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VOLUME 13 NUMBER 160

Washington, Tuesday, August 17, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9985

AUTHORIZING THE APPOINTMENT OF MRS. MARGARET E. BATICK TO A COMPETITIVE POSITION WITHOUT COMPLIANCE WITH THE REQUIREMENTS OF THE CIVIL SERVICE RULES

NOTE: Executive Order 9985, authorizing the appointment of Mrs. Margaret E. Batick to a competitive position in the Department of the Navy without compliance with the requirements of the Civil Service Rules, was filed with the Division of the Federal Register as F. R. Doc. 48-7441 on August 16, 1948, at 11:15 a. m.

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 164—PERMIT TO REENTER THE UNITED STATES

TREATY-MERCHANTS RETURN PERMITS

Part 164, Chapter I, Title 8 of the Code of Federal Regulations is hereby amended by adding thereto a new section as follows:

§ 164.8 *Treaty-Merchants Return Permit.* An application for the issuance of a Treaty-Merchants Return Permit under the provisions of subsection (g) of section 10 of the Immigration Act of 1924 as amended by Public Law 600, 80th Congress, approved June 3, 1948, shall be made on Form I-131 and shall be accompanied by evidence that the applicant has since his entry into the United States maintained the status required of him at the time of his admission. The provisions of §§ 164.2 to 164.7, inclusive, shall be applicable to such cases. Any alien admitted to the United States on presentation of a Treaty-Merchants Return Permit shall be admitted for such period of time as is applicable generally to aliens admitted under the provisions of section 3 (6) of the Immigration Act of 1924 and on condition that he will maintain the status of a treaty trader existing at the time of his departure from the United States.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making is found to be impracticable and contrary to the public interest because these regulations are necessary for the administration of the said Public Law 600 and applications for Treaty-Merchants Return Permits should be acted upon without delay. The provisions of section 4 (c) of the Administrative Procedure Act relating to delayed effective date are inapplicable because these regulations relieve restrictions now imposed upon the departure from and return to the United States of those aliens to whom these regulations apply.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: August 9, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-7359; Filed, Aug. 16, 1948; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 7]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (4) the notice, procedures,

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and effective date requirements appearing in section 4 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1001, 1003) do not apply, since compliance with them would be impracticable, unnecessary, and contrary to the public interest;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 303 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984–986; 54 Stat. 1231, 1233–1235; 49 U. S. C. 401, 425, 451, 452, 457, 458), and pursuant to section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), I hereby amend the Code of Federal Regulations, Title 14; Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways: Green Civil Airways Nos. 5 and 7; Amber Civil Airways Nos. 2 and 6; Red Civil Airways Nos. 1, 18, 27, 40, 49, 70, 71, 72, 73, and 74; Blue Civil Airways Nos. 9, 16, 27, 32, and 57

1. Section 600.4 (a) (5) is amended to read:

(5) *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* From the Los Angeles, Calif., radio range station via the Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the west course of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; the intersection of the southeast course of the Tucson, Ariz., radio range and the west course of the Cochise, N. Mex., radio range; Cochise, N. Mex., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Memphis, Tenn., radio range station; Jack's Creek, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville, Tenn., radio range and the northwest course of the Smithville, Tenn., radio range; Smithville, Tenn., radio range station; the intersection of the east course of the Smithville, Tenn., radio range and the west course of the Knoxville, Tenn., radio range, excluding that portion which lies more than two miles north of the west course of the Knoxville, Tenn., radio range between the intersection of the east course of the Smithville, Tenn., radio range and the west course of the Knoxville, Tenn., radio range and a point thirteen miles west of the Knoxville, Tenn., radio range station; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the northeast course of the Gordonsville, Va., radio range and the south course of the Washington, D. C., radio range; Brandywine, Md., radio range station; Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southwest course of the Mitchel Field, N. Y. (Army), radio range; the Mitchel Field, N. Y. (Army), radio range station; the intersection of the northeast course of the Mitchel Field, N. Y. (Army), radio range and the southwest course of the Boston, Mass., radio range to the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Westfield, Mass., radio range.

2. Section 600.4 (a) (7) is amended to read:

(7) *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* From the Nome, Alaska, radio range station via the Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

3. Section 600.4 (b) (2) is amended to read:

(2) *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).* From the Long Beach, Calif., radio range station via the intersection of the northeast course of the Long Beach, Calif., radio range and the east course of the Los Angeles, Calif., radio range; Daggett, Calif., radio range station; Silver Lake, Calif., radio range station; the intersection of the northeast course of the Silver Lake, Calif., radio range and the southwest course of the Las Vegas, Nev., radio range; Las Vegas, Nev., radio range station; the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Fairfield, Utah, radio range station; the intersection of the northeast course of the Fairfield, Utah, radio range and the south course of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station to the intersection of the northwest course of the Cut Bank, Mont., radio range and the United States-Canadian Border. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border via the Northway, Alaska, radio range station; the intersection of the northwest course of the Northway, Alaska, radio range and the north course of the Tanacross, Alaska, radio range; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station. From the intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range via the Bettles, Alaska, non-directional marker beacon; Umiat, Alaska, radio range station to the Point Barrow, Alaska, radio range station.

4. Section 600.4 (b) (6) is amended to read:

(6) *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* From the Jacksonville, Fla., radio range station; via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; Chattanooga, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northwest course of the Nashville, Tenn., radio range and the southwest course of the Bowling Green, Ky., radio range; Bowling Green, Ky., radio range station; the intersection of the northeast course of the Bowling Green, Ky., radio range and the south course of the Louisville, Ky., radio range; Louisville, Ky., radio range station to the Cincinnati, Ohio, radio range station. From the Columbus, Ohio, radio range station to the intersection of the northeast course of the Columbus, Ohio, radio range and the west course of the Cleveland, Ohio, radio range. From the intersection of the east course of the Cleveland, Ohio, radio range and the southwest course of the Clear Creek, Ontario, Canada, radio range to the intersection of the southwest course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border.

5. Section 600.4 (c) (1) is amended to read:

(1) *Red Civil airway No. 1 (Portland, Oreg., to Kansas City, Mo.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the northwest course of The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the southeast course of the Boise, Idaho, radio range and the northwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; Malad City, Idaho, radio range station to the Rock Spring, Wyo., radio range station. From the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range via the Laramie, Wyo., radio range station to the intersection of the southeast course of the Laramie, Wyo., radio range and the north course of the Denver, Colo., radio range. From the Denver, Colo., VHF radio range via the intersection of the east course of the Denver, Colo., VHF radio range and the northwest course of the Thurman, Colo., VHF radio range; Thurman, Colo., VHF radio range station; Goodland, Kans., VHF radio range station; Hill City, Kans., VHF radio range station; the intersection of the east course of the Hill City, Kans., VHF radio range and the northwest course of the Waldo, Kans., VHF radio range; Waldo, Kans., VHF radio range station; Salina, Kans., VHF radio range station; Topeka, Kans., VHF radio range station to the intersection of the east course of the Topeka, Kans., VHF radio range and the northwest course of the Kansas City, Mo., radio range.

6. Section 600.4 (c) (18) is amended to read:

(18) *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* From the intersection of the northwest course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range via the Cincinnati, Ohio, radio range station; the intersection of the southeast course of the Cin-

cinnati, Ohio, radio range and the northwest course of the Huntington, W. Va., radio range; Huntington, W. Va., radio range station; Charleston, W. Va., radio marker station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station to the intersection of the east course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range.

7. Section 600.4 (c) (27) is amended to read:

(27) *Red civil airway No. 27 (Knoxville, Tenn., to Detroit, Mich.).* From the Knoxville, Tenn., radio range station via a point located at latitude 36°25′ north and longitude 83°50′ west; Lexington, Ky., VHF radio range station; the intersection of the north course of the Lexington, Ky., VHF radio range and the southwest course of the Cincinnati, Ohio, radio range; Dayton, Ohio, radio range station; Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Romulus, Mich., radio range.

8. Section 600.4 (c) (40) is amended to read:

(40) *Red civil airway No. 40 (Shemya, Alaska, to Anchorage, Alaska).* From the Shemya, Alaska, radio range station via the Amchitka, Alaska, radio range station and the intersection of the east course of the Amchitka, Alaska, radio range and the southwest course of the Adak, Alaska, radio range to the Adak, Alaska, radio range station. From the Heiden, Alaska, radio range station via the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the Naknek, Alaska, radio range; Kodiak, Alaska, radio range station; the intersection of the north course of the Kodiak, Alaska, radio range and the south course of the Homer, Alaska, radio range to the Homer, Alaska, radio range station. From the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range via the Kenai, Alaska radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the Anchorage (Merrill), Alaska, radio range station.

9. Section 600.4 (c) (49) is amended to read:

(49) *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* From the Elko, Nev., radio range station via the Wendover, Utah, radio range station; the intersection of the east course of the Wendover, Utah, radio range and the west course of the Salt Lake City, Utah, radio range; the Salt Lake City, Utah, radio range station; Fort Bridger, Wyo., radio range station to the intersection of the north course of the Fort Bridger, Wyo., radio range and the southeast course of the Malad City, Idaho, radio range.

10. Section 600.4 (c) (70) is added to read:

(70) *Red civil airway No. 70 (Lubbock, Tex., to Oklahoma City, Okla.).* From the Lubbock, Tex., radio range station via the Childress, Tex., VHF radio range station; Hobart, Okla.,VHF radio range station to the Oklahoma City, Okla., radio range station.

11. Section 600.4 (c) (71) is added to read:

(71) *Red civil airway No. 71 (Lubbock, Tex., to Wichita Falls, Tex.).* From the Lubbock, Tex., radio range station via the intersection of the east course of the Lubbock, Tex., radio range and the west course of the Guthrie, Tex., VHF radio range; Guthrie, Tex., VHF radio range station to the Wichita Falls, Tex., radio range station.

12. Section 600.4 (c) (72) is added to read:

(72) *Red civil airway No. 72 (Millville, N. J., to Newark, N. J.).* From the intersection of the southwest course of the Millville, N. J., radio range and the south course of the New Castle, Del., radio range via the New Castle, Del., radio range station to the intersection of the north course of the New Castle, Del., radio range and the west course of the Philadelphia, Penn., radio range. From the intersection of the east course of the Harrisburg, Penn., radio range and the southwest course of the Willow Grove, Penn., radio range via the Willow Grove, Penn., radio range to the intersection of the northeast course of the Willow Grove, Penn., radio range and the east course of the Allentown, Penn., radio range.

13. Section 600.4 (c) (73) is added to read:

(73) *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* From the intersection of the west course of the New Castle, Del., radio range and the west course of the Philadelphia, Penn., radio range via the New Castle, Del., radio range station to the intersection of the east course of the New Castle, Del., radio range and the northeast course of the Millville, N. J., radio range.

14. Section 600.4 (c) (74) is added to read:

(74) *Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).* From the Louisville, Ky., radio range station via the intersection of the north course of the Louisville, Ky., radio range and a line 250° magnetic from the Covington, Ky., VOR radio range station to the Covington, Ky., VOR radio range station.

15. Section 600.4 (d) (9) is amended to read:

(9) *Blue civil airway No. 9 (Columbia, Mo., to United States-Canadian Border).* From the Columbia, Mo., radio range station via the Kirksville, Mo., radio range station; the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Monies, Iowa, radio range; Des Moines, Iowa, radio range station; the intersection of the north course of the Des Moines, Iowa, radio range and the southwest course of the La Crosse, Wis., radio range; the intersection of the southwest course of the La Crosse, Wis., radio range and the south course of the Rochester, Minn., radio range; the Rochester, Minn., radio range station to the intersection of the north course of the Rochester, Minn., radio range and the southeast course of the Minneapolis, Minn., radio range. From the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the intersection of the southwest course of the Lakehead, Canada, radio range and the United States-Canadian Border.

16. Section 600.4 (d) (16) is amended to read:

(16) *Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.).* From the Dillon, Mont., radio range station via the Butte, Mont., radio range station to the intersection of the north course of the Butte, Mont., radio range and the east course of the Drummond, Mont., radio range. From the intersection of the west course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range to the intersection of the southwest course of the Great Falls, Mont., radio range and the north course of the Helena, Mont., radio range.

17. Section 600.4 (d) (27) is amended to read:

(27) *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* From the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the Naknek, Alaska, radio range via the Naknek, Alaska, radio range station; Bethel, Alaska, radio range station and the Nome, Alaska, radio range station to the Kotzebue, Alaska, airport.

18. Section 600.4 (d) (32) is amended to read:

(32) *Blue civil airway No. 32 (Seattle, Wash., to Fairbanks, Alaska).* From the Seattle, Wash., radio range station via the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, British Columbia, radio range; the south course of the Patricia Bay, British Columbia, radio range to the United States-Canadian Border. From the Skwentna, Alaska, radio range station via the intersection of the northeast course of the Skwentna, Alaska, radio range and the southwest course of the Summit, Alaska, radio range to the Summit, Alaska, radio range station.

19. Section 600.4 (d) (57) is added to read:

(57) *Blue Civil airway No. 57 (Elko, Nev., to Burley, Idaho).* From the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range via the intersection of the northeast course of the Elko, Nev., radio range and the southwest course of the Burley, Idaho, radio range to the intersection of the southwest course of the Burley, Idaho, radio range and the north course of the Lucin, Utah, radio range.

This amendment shall become effective 0001 e. s. t. August 25, 1948.

(52 Stat. 973, 984–986; 54 Stat. 1231, 1233–1235; 49 U. S. C. 401, 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-7328; Filed, Aug. 16, 1948; 8:46 a. m.]

[Amdt. 10]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including control zones and reporting points at such locations; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (4) compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1001, 1003) would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984–986; 54 Stat. 1231, 1233–1235; 49 U. S. C. 401, 425, 451, 452, 457, 458), and pursuant to section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation and Redesignation of Control Areas: Amber Civil Airway No. 2; Red Civil Airways Nos. 70, 71, 72, 73 and 74; Blue Civil Airways Nos. 38 and 57. Designation and Redesignation of Control Zones. Designation and Redesignation of Reporting Points: Amber Civil Airway No. 2; Red Civil Airways Nos. 70, 71, 72, 73 and 74; Blue Civil Airway No. 57

1. Section 601.4 (b) (2) is amended to read:

(2) *Amber civil airway No. 2 control areas (Long Beach, Calif., to Point Barrow, Alaska).* Those portions of Amber civil airway No. 2 within the limits of the continental United States; from the Alaska-Canadian Border to the Fairbanks, Alaska, radio range station.

2. Section 601.4 (c) (70) is added to read:

(70) *Red civil airway No. 70 control areas (Lubbock, Tex., to Oklahoma City, Okla.).* All of Red civil airway No. 70.

3. Section 601.4 (c) (71) is added to read:

(71) *Red civil airway No. 71 control areas (Lubbock, Tex., to Wichita Falls, Tex.).* All of Red civil airway No. 71.

4. Section 601.4 (c) (72) is added to read:

(72) *Red civil airway No. 72 control areas (Millville, N. J., to Newark, N. J.).* All of Red civil airway No. 72.

5. Section 601.4 (c) (73) is added to read:

(73) *Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).* All of Red civil airway No. 73.

6. Section 601.4 (c) (74) is added to read:

(74) *Red civil airway No. 74 control areas (Louisville, Ky., to Cincinnati, Ohio).* All of Red civil airway No. 74.

7. Section 601.4 (d) (38) is amended to read:

(38) *Blue civil airway No. 38 control areas (Annette Island, Alaska, to United States-Canadian Border).* From the intersection of the south course of the Annette Island, Alaska, radio range and the United States-Canadian border to a line extended across such airway through a point 50 miles north of the Annette Island, Alaska, radio range station. From a line extended at right angles across such airway through a point 50 miles southeast of the Gustavus, Alaska, radio range station to the United States-Canadian Border.

8. Section 601.4 (d) (57) is added to read:

(57) *Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho).* All of Blue civil airway No. 57.

9. Section 601.4 (e) (95) is amended to read:

(95) *Control area extension (Fort Wayne, Ind.).* From the Fort Wayne, Ind., radio range station extending 5 miles either side of the southwest course of the Fort Wayne, Ind., radio range to a point 20 miles southwest of the Markle fan marker.

10. Section 601.4 (e) (112) is added to read:

(112) *Control area extension (Seattle, Wash.).* From the Seattle, Wash., radio range station extending 5 miles either side of a true bearing of 258° from the radio range station to a point 25 miles from the radio range station.

11. Section 601.4 (e) (124) is added to read:

(124) *Control area extension (Eugene, Oreg.).* From the Eugene, Oreg., radio range station extending 5 miles either side of the west course of the Eugene radio range to a point 25 miles from the radio range station.

12. Section 601.4 (e) (130) is added to read:

(130) *Control area extension (Spokane, Wash.).* From the Geiger Field, Spokane, Wash., ILS localizer extending 5 miles either side of the ILS localizer course to a point 20 miles from the ILS localizer.

13. Section 601.4 (e) (131) is added to read:

(131) *Control area extension (New York, N. Y.).* From Latitude 40°39'50" Longitude 74°04'35", thence to Latitude 40°35'30" Longitude 74°08'00", thence to Latitude 40°35'50" Longitude 74°10'25", thence to point of beginning.

14. Section 601.4 (e) (132) is added to read:

(132) *Control area extension (Willmar, Minn.).* From the Willmar, Minn., radio range station extending 5 miles either side of the south course of the Willmar radio range to a point 20 miles south of the radio range station.

15. Section 601.8 (c) (47) is amended to read:

(47) *Denver, Colo., control zone.* Within a 10 mile radius of Stapleton Field extending 2 miles either side of the north course of the Denver radio range to the Henderson fan marker.

16. Section 601.8 (c) (185) is amended to read:

(185) *Sacramento, Calif., control zone.* Within a 5 mile radius of the Sacramento Municipal Airport extending 2 miles either side of the southwest course of the Sacramento radio range to a point 10 miles southwest of the radio range station and within a 5 mile radius centered on McClellan Field and a 5 mile radius centered on Mather Field, and within 5 miles either side of a magnetic course of 40° magnetic (58° true) from Mather Field extending for a distance of 12 miles from Mather Field and within the area inside of tangent lines drawn from the circumference of the 5 mile Sacramento area to the circumference of the McClellan and Mather 5 mile areas.

17. Section 601.8 (c) (192) is amended to read:

(192) *Mana, Kauai, T. H., control zone.* Within a 5 mile radius of the Barking Sands Airport extending 3 miles on the south side of the west course of the Port Allen radio range to the Port Allen radio range station.

18. Section 601.8 (c) (235) is added to read:

(235) *Willmar, Minn., control zone.* Within a 5 mile radius of the Municipal Airport extending 2 miles either side of the south course of the Willmar radio range to a point 10 miles south of the radio range station.

19. Section 601.8 (c) (236) is added to read:

(236) *Whidbey Island, Wash., control zone.* Within a 5 mile radius of the Naval Air Station (Ault Field) extending to and including a 5 mile radius of the Whidbey Island Seaplane Base (Oak Harbor), Wash., excluding that portion lying within danger areas.

20. Section 601.9 (b) (2) is amended to read:

(2) *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).* Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; Enterprise, Utah, radio range station; Delta,

Utah, radio range station; Salt Lake City, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station; the intersection of the northwest course of the Northway, Alaska, radio range and the northeast course of the Tanacross, Alaska, radio range; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range.

21. Section 601.9 (c) (70) is added to read:

(70) *Red civil airway No. 70 (Lubbock, Tex., to Oklahoma City, Okla.).* Childress, Tex., VHF radio range station; Hobart, Oklahoma, VHF radio range station.

22. Section 601.9 (c) (71) is added to read:

(71) *Red civil airway No. 71 (Lubbock, Tex., to Wichita Falls, Tex.).* Guthrie, Tex., VHF radio range station.

23. Section 601.9 (c) (72) is added to read:

(72) *Red civil airway No. 72 (Millville, N. J., to Newark, N. J.).* No reporting point designation.

24. Section 601.9 (c) (73) is added to read:

(73) *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* No reporting point designation.

25. Section 601.9 (c) (74) is added to read:

(74) *Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).* No reporting point designation.

26. Section 601.9 (d) (57) is added to read:

(57) *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* No reporting point designation.

This amendment shall become effective 0001 e. s. t., August 25, 1948.

(52 Stat. 973, 984–986; 54 Stat. 1231, 1233–1235; 49 U. S. C. 401, 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-7343; Filed, Aug. 16, 1948; 8:46 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[Allocations Reg. 2, Amdt. 1 to Direction 4A]

PART 336—REGULATIONS APPLICABLE TO OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

USE AND EFFECT OF CERTIFIED EXPORT ORDERS FOR NITROGENOUS FERTILIZER MATERIALS (1948–49 EXPORT PROGRAM)

Direction 4A to Allocations Regulation 2, issued July 22, 1948, (13 F. R. 4252) is hereby amended as follows:

1. By deleting subparagraph (4) of paragraph (g). The material deleted is entitled "Limitation on placing orders for ammonium sulphate". It provided that exporters authorized to place certified orders for more than 100 tons of ammonium sulphate may not place orders for more than 20 percent of the total authorized quantity with producers of coke-oven sulphate.

2. In Table I, *1948–49 Nitrogenous Fertilizer Materials Export Program,* by deleting the break-down by countries under the heading "Latin America" and inserting opposite the words "Latin America" the figures "7716".

(Pub. Laws 188, 806, 80th Cong.; E. O. 9841, April 23, 1948, 12 F. R. 2645; Materials Control Reg. 1 as amended May 7, 1948; 13 F. R. 2508)

Issued this 11th day of August 1948.

OFFICE OF DOMESTIC COMMERCE,
[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 48-7356; Filed, Aug. 16, 1948; 8:48 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance) Federal Security Agency

[Reg. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

INTER-RELATIONSHIP OF OLD-AGE AND SURVIVORS INSURANCE PROGRAM WITH RAILROAD RETIREMENT PROGRAM

Regulations No. 3, as amended (12 F. R. 570, as amended), are further amended as follows:

1. Section 403.1 (b) (1) is amended by adding at the end thereof the following undesignated paragraph:

§ 403.1 *Chronological description of pertinent statutes and regulations.* * * *

(b) *Title II of the Social Security Act, as amended, effective January 1, 1940, and regulations of the Social Security Administration thereunder*—(1) *Statutes.* * * *

The Railroad Retirement Act of 1937, approved June 24, 1937 (50 Stat. 307), as amended by the act approved July 31, 1946 (60 Stat. 722), modifies Title II of the Social Security Act, as amended, by providing, in part, for the payment of survivors benefits based on combined earnings records under Title II of the Social Security Act, as amended, and Part I of the Railroad Retirement Act of 1937, as amended.

2. Section 403.101 is amended so that the first paragraph thereof will read as follows:

§ 403.101 *Scope of regulations.* The regulations in this part relate to old-age and survivors insurance benefits and to lump-sum death payments under Title II of the act (as defined in § 403.801 (d)), and to survivors insurance benefits and to lump sums payable under said act as modified by Part I of the Railroad Retirement Act (as defined in § 403.801 (u)).

3. Section 403.101 is further amended by changing the word "nine" in the last sentence of the second paragraph thereof to read "ten."

4. Section 403.101 is further amended by adding a new undesignated paragraph at the end thereof to read as follows:

Subpart K: Inter-relationship of old-age and survivors insurance program with the railroad retirement program.

5. The statutory provisions immediately preceding § 403.701 are amended by inserting at the end thereof the following:

SECTION 5 (k) (3) OF THE RAILROAD RETIREMENT ACT (60 STAT. 732)

The Board and the Federal Security Administrator shall, upon request, supply each other with certified reports of records of compensation or wages and periods of service and of other records in their possession or which they may secure, pertinent to the administration of this section or Title II of the Social Security Act as affected by paragraph (1). Such certified reports shall be conclusive in adjudication as to the matters covered therein: *Provided,* That if the Board or the Federal Security Administrator receives evidence inconsistent with a certified report and the application involved is still in course of adjudication or otherwise open for such evidence, such recertification of such report shall be made as, in the judgment of the Board or the Federal Security Administrator, whichever made the original certification, the evidence warrants. Such recertification and any subsequent recertification shall be treated in the same manner and be subject to the same conditions as an original certification.

6. Section 403.701 is amended so that paragraph (i) will read as follows:

§ 403.701 *Filing of applications and other forms.* * * *

(i) *Applications filed with the Railroad Retirement Board*—(1) *Applications filed on or before October 12, 1940, by a living wage earner.* Notwithstanding any other provision of the regulations in this part or of the act restricting the acceptability of an application filed prior to three months before the first month for which an individual could become entitled to a benefit, or any provision of the regulations in this part restricting the place for filing an application, any application which was filed with the Railroad Retirement Board on or before October 12, 1940, by a living wage earner for any annuity, pension, or benefit under the Railroad Retirement Act of 1935 or under the Railroad Retirement Act of 1937, which application is based in whole or in part on wages received for services in employment under the act, shall, as of the date on which such application was filed with the Railroad Retirement Board, be deemed to be an acceptable application filed with the Social Security Administration for any benefits payable to any individual who could have become entitled to a benefit with respect to such wages prior to the month of February 1941.

(2) *Applications filed on or after October 1, 1946, by survivors.* Notwithstanding the provisions of the regulations in this part restricting the place for filing an application, any application filed with

the Railroad Retirement Board on its prescribed forms on or after October 1, 1946, by a survivor of a deceased insured individual for an insurance annuity or lump-sum payment under section 5 of the Railroad Retirement Act (as defined in § 403.801 (u)), based on the death of such insured individual, shall be deemed to be an application for benefits or a lump-sum death payment under Title II of the act, and shall be deemed filed with the Administration on the date as of which the Railroad Retirement Board certifies that such application is deemed filed with that agency.

7. Section 403.701 is further amended so that paragraph (k) will read as follows:

(k) (1) *Bureau record of request for benefits or lump sum as application.* When a person orally or in writing expresses to the Bureau an intention to claim benefits or a lump sum, and it appears that such person is not eligible or that his eligibility is so doubtful that the taking of an application upon a prescribed form would not be warranted, the Bureau shall so advise such person and shall also advise him that if he desires he may file an application on a prescribed form to obtain a formal adjudication of his rights. Where an application on a prescribed form is not then filed because of doubtful eligibility, the Bureau shall make and maintain in its files a written record of the expressed intention to claim benefits or a lump sum, in all cases in which some possibility of entitlement exists, even though remote. If it is later found that such person was eligible for benefits or a lump sum at the time the record was made, this record shall, except where such person otherwise indicates, be deemed an application filed with the Bureau as of the date it is made: *Provided,* That an application on a prescribed form is also furnished to the Bureau. Thereafter, adjudication shall proceed as in other cases.

Where a person orally or in writing expresses to the Bureau an intention to claim benefits or a lump sum on behalf of his spouse or parent, or on behalf of a minor or incompetent, and applications on prescribed forms are not filed by such persons, such persons on whose behalf the claim is made shall be named on the Bureau record. In the event it is later found that such persons were eligible at the time the record was made, this record shall, except where such persons otherwise indicate, be deemed an application, filed with the Bureau as of the date it is made: *Provided,* That an application on a prescribed form is also furnished to the Bureau. Thereafter, adjudication shall proceed as in other cases.

(2) *Railroad Retirement Board record of request for annuity or lump sum as application.* Where a person orally or in writing expresses to the Railroad Retirement Board an intention to claim any payment under section 5 of the Railroad Retirement Act, either on his own behalf or on behalf of his spouse or parent, or on behalf of a minor or incompetent, and applications on prescribed forms are not then filed by such persons with the Railroad Retirement Board because of doubtful eligibility, the Railroad Retirement Board's written record on its prescribed forms of such expressed intention to claim such payments shall, except where such persons otherwise indicate, be deemed an application filed with the Bureau as of the date the Railroad Retirement Board's record was made: *Provided:*

(i) Notice of such intention is communicated in writing to the Administration by the Railroad Retirement Board;

(ii) Such persons are named in the Railroad Retirement Board's record;

(iii) Such persons were eligible for benefits or a lump sum at the time such record was made; and

(iv) An application on a prescribed form is also furnished to the Bureau.

Thereafter, adjudication shall proceed as in other cases.

8. Section 403.702 is amended by inserting a new undesignated paragraph immediately preceding paragraph (a) to read as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* * * *

In connection with applications for annuities and lump sums under section 5 of the Railroad Retirement Act (see Subpart K), which are also applications for survivors benefits and lump sums under Title II of the act, evidence developed and received by the Railroad Retirement Board, in support of claims under the Railroad Retirement Act which are later transferred to the Administration, may be used in determining entitlement or eligibility to benefits or lump sums payable under Title II. Where a claim which has been completely adjudicated by the Railroad Retirement Board is transferred from that agency to the Administration, the Administration may, after examination, adopt any determination made by the Railroad Retirement Board (except as to compensation or periods of service—see section 5 (k) (3) of the Railroad Retirement Act), or, in the light of the sufficiency of the supporting evidence or of new evidence which is introduced, may make such determination as shall be proper.

9. Section 403.702 (a) is amended by deleting the second and third undesignated paragraphs thereof.

10. Section 403.703 (g) is amended by deleting therefrom the two references to § 403.702 (a).

11. The statutory provisions immediately preceding § 403.801 are amended by adding at the end thereof the following:

SECTION 5 (k) (1) OF THE RAILROAD RETIREMENT ACT (60 STAT. 732)

For the purpose of determining insurance benefits under Title II of the Social Security Act which would begin to accrue on or after January 1, 1947, to a widow, parent, or surviving child, and with respect to lump-sum death payments under such title payable in relation to a death occurring on or after such date, section 15 of the Railroad Retirement Act of 1935, section 209 (b) (9) of the Social Security Act, and section 17 of this act shall not operate to exclude from "employment" under Title II of the Social Security Act, service which would otherwise be included in such "employment," but for such sections. For such purpose, compensation paid in a calendar year shall, in the absence of evidence to the contrary, be presumed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in services as an employee.

12. Section 403.801 is amended by adding a new paragraph (u) at the end thereof to read as follows:

§ 403.801 *General definitions and use of terms.* * * *

(u) Railroad Retirement Act means the Railroad Retirement Act of 1937 (50 Stat. 307), as amended by the act approved July 31, 1946 (60 Stat. 722).

13. Section 403.802 is amended by deleting first paragraph thereof and substituting in place thereof the following:

§ 403.802 *Employment prior to January 1, 1940.* Under the provisions of section 209 (b) of the act (as amended, effective January 1, 1940, by section 201 of the Social Security Act Amendments of 1939), services performed prior to January 1, 1940, with an exception as noted below, constitute employment if they were employment under section 210 (b) of the Social Security Act prior to such date as modified by section 15 of the Railroad Retirement Act of 1935 and section 17 of the Railroad Retirement Act of 1937. However, for the purpose of determining insurance benefits under Title II of the act which are payable for months after 1946 to the widow, parent, or child of a deceased wage earner and with respect to lump-sum death payments under such title payable in relation to a death occurring after 1946, section 15 of the Railroad Retirement Act of 1935 and section 17 of the Railroad Retirement Act (defined in § 403.801 (u)) shall not operate to exclude from employment under this section of the regulations in this part services which would otherwise be included in such employment but for said section 15 and section 17.

Under the exception of section 209 (b) (as so amended) services performed prior to January 1, 1939, by an individual after attainment of age 65 are excepted from employment. Such an exception was not contained in section 210 (b) of the act prior to such amendment, a similar result being accomplished under other provisions of Title II of the act by counting as wages in determining the amount of any benefit only wages received for employment before the individual attained the age of 65. The exception of services performed by an individual after attainment of age 65 is not applicable with respect to services performed on or after January 1, 1939.

14. Section 403.803 is amended so that the first sentence of paragraph (a) will read as follows:

§ 403.803 *Employment after December 31, 1939*—(a) *In general.* Whether services performed on or after January 1, 1940, constitute employment is determined under section 209 (b) of the act, effective on and after January 1, 1940 (as modified by section 5 (k) (1) of the Railroad Retirement Act), under section 209 (o) of the act, effective on and after October 1, 1941, and under section 209 (p) of the act, effective on and after January

1, 1946, each as amended from time to time.

15. Section 403.803 is further amended so that the first sentence of paragraph (b) will read as follows:

§ 403.803 *Employment after December 31, 1939.* * * *

(b) *Services performed within the United States.* Services performed on or after January 1, 1940, within the United States, that is, within any of the several States, the District of Columbia, or the Territory of Alaska or Hawaii, by an employee for the person employing him, unless specifically excepted by section 209 (b) of the act, as modified by section 209 (o) and section 209 (p), and by section 5 (k) (1) of the Railroad Retirement Act, constitute employment within the meaning of the act.

16. Section 403.806 is amended so that the first sentence of the first paragraph thereof will read as follows:

§ 403.806 *Excepted services in general.* Except as provided by section 209 (o) of the act, effective on and after October 1, 1941 (see § 403.803 (d)), and by section 209 (p), effective on and after January 1, 1946 (see § 403.803 (e)), services performed on or after January 1, 1940, by an employee for the person employing him do not constitute employment under Title II of the act if they are specifically excepted by any of the numbered paragraphs of section 209 (b) of the act, effective January 1, 1940, as amended from time to time (except as paragraph 9 of section 209 (b) is modified by section 5 (k) (1) of the Railroad Retirement Act).

17. Section 403.807 is amended so that the second sentence of the first paragraph will read as follows:

§ 403.807 *Included and excluded services.* * * * The time during which the employee performs services which under section 209 (b) of the act (as modified by section 5 (k) (1) of the Railroad Retirement Act), section 209 (o) or section 209 (p) of the act constitute employment, and the time during which he performs services which under such section do not constitute employment, within the pay period, determine whether all the services during the pay period shall be deemed to be included or excluded.

18. Section 403.807 is further amended so that the last two paragraphs will read:

§ 403.807 *Included and excluded services.* * * *

The rules set forth in this section do not apply (a) with respect to any services performed by the employee for the person employing him if the periods for which such person makes payments of remuneration to the employee vary to the extent that there is no period "for which a payment of remuneration is ordinarily made to the employee," or (b) with respect to any services performed by the employee for the person employing him if the period for which a payment of remuneration is ordinarily made to the employee by such person exceeds 31 consecutive calendar days, or (c) with respect to any service performed by the employee for the person employing him during a pay period if any of such service is excepted by section 209 (b) (9) of the act (except as modified by section 5 (k) (1) of the Railroad Retirement Act) (see § 403.816).

If during any period for which a person makes a payment of remuneration to an employee only a portion of the employee's services constitutes employment under section 209 (b) of the act (as modified by section 5 (k) (1) of the Railroad Retirement Act), but the rules prescribed herein are not applicable, such portion of the services is employment.

19. The statutory provisions preceding § 403.816 are amended by adding at the end thereof the following:

SECTION 5 (k) (1) OF THE RAILROAD RETIREMENT ACT (60 STAT. 732)

For the purpose of determining insurance benefits under Title II of the Social Security Act which would begin to accrue on or after January 1, 1947, to a widow, parent, or surviving child, and with respect to lump-sum death payments under such title payable in relation to a death occurring on or after such date, section 15 of the Railroad Retirement Act of 1935, section 209 (b) (9) of the Social Security Act, and section 17 of this act shall not operate to exclude from "employment," under Title II of the Social Security Act, service which would otherwise be included in such "employment" but for such sections. For such purpose, compensation paid in a calendar year shall, in the absence of evidence to the contrary, be presumed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in services as an employee.

20. Section 403.816 is amended to read as follows:

§ 403.816 *Railroad industry; employees and employee representatives under section 1532 of the Internal Revenue Code, as amended*—(a) *When services are excepted from employment.* Except as particularly set forth in paragraph (b) of this section, the following services are excepted from employment:

(1) Services performed by an individual as an "employee" or as an "employee representative," as those terms are defined in section 1532 of subchapter B of chapter 9 of the Internal Revenue Code (which subchapter corresponds to and, effective April 1, 1939, superseded the Carriers Taxing Act of 1937).

(2) Services by an individual in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple, upon the basis of which any annuity or pension was granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937 prior to August 13, 1940.

(b) *When services are not excepted from employment.* For the purpose of determining insurance benefits under Title II of the act which are payable for months after 1946 to the widow, parent, or child of a deceased wage earner and with respect to lump-sum death payments under such title payable in relation to a death occurring after 1946, section 209 (b) (9) of the act shall not operate to exclude the services described in paragraph (a) of this section which would not otherwise be excepted but for said section 209 (b) (9) of the act.

21. Section 403.827 (b) is amended by adding a new subparagraph (3) to read as follows:

§ 403.827 *Wages.* * * *

(b) *Certain items included as wages.* * * *

(3) *Compensation for railroad services.* Remuneration paid to an individual as compensation for services rendered as an employee for an employer (as these terms are defined in section 1 (a) and (b) of the Railroad Retirement Act) shall, when a report of record of such compensation is certified to the Administration by the Railroad Retirement Board, for the purpose of determining survivors benefits under Title II of the act which are payable for months after 1946 to the widow, parent, or child of such individual and with respect to lump-sum death payments under such title payable in relation to a death occurring after 1946, be considered to be a part of such individual's wages.

22. Section 403.828 (e) is amended so that subparagraph (1) will read as follows:

§ 403.828 *Exclusions from wages.* * * *

(e) *Miscellaneous.* * * *

(1) Remuneration for services which do not constitute employment under section 209 (b) of the act (except as paragraph (9) of section 209 (b) is modified by section 5 (k) (1) of the Railroad Retirement Act).

23. A new subpart K is added immediately following subpart J to read as follows:

SUBPART K—INTERRELATIONSHIP OF OLD-AGE AND SURVIVORS INSURANCE PROGRAM WITH THE RAILROAD RETIREMENT PROGRAM

Sec.

403.1101 General relationship of Railroad Retirement Act with the old-age and survivors insurance program of the act.
403.1102 Effect of eligibility under section 5 of the Railroad Retirement Act.
403.1103 Types of quarters of coverage.
403.1104 Effect of Railroad Retirement Act on insured status and computation of benefits and lump sums.

SUBPART K—INTERRELATIONSHIP OF OLD-AGE AND SURVIVORS INSURANCE PROGRAM WITH THE RAILROAD RETIREMENT PROGRAM

§ 403.1101 *General relationship of Railroad Retirement Act with the old-age and survivors insurance program of the act.* Section 5 of the Railroad Retirement Act (as defined in § 403.801 (u)) sets up a system of benefits for survivors of railroad employees patterned after and integrated with the survivor benefit provisions of the act (as defined in § 403.801 (d)). The act provides, in part, in the case of wage earners covered thereunder, for the payment of monthly survivor benefits to widows with young children in their care, children under 18, aged widows, and aged dependent parents. It also provides, in some circumstances, for the payment of lump sums to certain persons. Similar protection

is granted under the Railroad Retirement Act to survivors of railroad employees in substitution for previously existing provisions for lump-sum death payments and the election of joint and survivor annuities. The new monthly insurance annuities will be payable on or after January 1, 1947, to qualified survivors of employees who have already died as well as those who will die in the future. The new lump-sum death payments, however, are payable only with respect to deaths after December 31, 1946.

The Railroad Retirement Act provides for determining survivor benefits which begin to accrue on or after January 1, 1947, on the basis of employment that is covered by the Railroad Retirement Act and by the act so that there will be no duplication of benefits or failure to receive benefits by reason of having a wage record partly under one program and partly under the other. The amount of the payments where both railroad compensation and old-age and survivors insurance wages are involved will be on the basis of combined earnings credits. If an individual had a "current connection with the railroad industry" (as defined in section 1 (o) of the Railroad Retirement Act) when he died, his survivors generally would be paid under the railroad retirement program; and if he had no such "current connection" but was fully or currently insured under the act (see §§ 403.201 and 403.202) his survivors would be paid under the old-age and survivors insurance program.

SECTION 5 (g) (1) OF THE RAILROAD RETIREMENT ACT (60 STAT. 730)

An individual, entitled on applying therefor to receive for a month before January 1, 1947, an insurance benefit under the Social Security Act on the basis of an employee's wages, which benefit is greater in amount than would be an annuity for such individual under this section with respect to the death of such employee, shall not be entitled to such annuity. An individual, entitled on applying therefor to any annuity or lump sum under this section with respect to the death of an employee, shall not be entitled to a lump-sum death payment or, for a month beginning on or after January 1, 1947, to any insurance benefits under the Social Security Act on the basis of the wages of the same employee.

§ 403.1102 *Effect of eligibility under section 5 of the Railroad Retirement Act.* If a person, upon filing application therefor, would be entitled to any annuity or a lump sum under section 5 of the Railroad Retirement Act with respect to the death of a wage earner, no lump-sum death payment, or insurance benefit for a month after 1946, shall be paid under the old-age and survivors insurance program on the basis of the wages of the same wage earner. However, if a survivor is, or, upon filing application therefor, would be entitled to an old-age and survivors insurance benefit for a month prior to January 1947, which is greater in amount than the survivor's annuity payable to him under the railroad retirement program with respect to the death of the same wage earner, monthly benefits will be paid under the old-age and survivors insurance program provided all conditions of eligibility have been met.

SECTION 5 (l) (3) OF THE RAILROAD RETIREMENT ACT (60 STAT. 733)

(3) The term "quarter of coverage" shall mean a compensation quarter of coverage or a wage quarter of coverage, and the term "quarters of coverage" shall mean compensation quarters of coverage, or wage quarters of coverage, or both: *Provided*, That there shall be for a single employee no more than four quarters of coverage for a single calendar year;

SECTION 5 (l) (4) OF THE RAILROAD RETIREMENT ACT (60 STAT. 733)

(4) The term "compensation quarter of coverage" shall mean any quarter of coverage computed with respect to compensation paid to an employee after 1936 in accordance with the following table:

TOTAL COMPENSATION PAID IN THE CALENDAR YEAR

Months of service in a calendar year	Less than $50	$50 but less than $100	$100 but less than $150	$150 but less than $200	$200 or more
1-3	0	1	1	1	1
4-6	0	1	2	2	2
7-9	0	1	2	3	3
10-12	0	1	2	3	4

SECTION 5 (l) (5) OF THE RAILROAD RETIREMENT ACT (60 STAT. 734)

(5) The term "wage quarter of coverage" shall mean any quarter of coverage determined in accordance with the provisions of Title II of the Social Security Act;

§ 403.1103 *Types of quarters of coverage*—(a) *Wage quarter of coverage.* A wage quarter of coverage is any quarter of coverage determined exclusively in accordance with the provisions of Title II of the act (see § 403.201 (b)).

(b) *Compensation quarter of coverage.* A compensation quarter of coverage is any quarter of coverage computed with respect to compensation paid to an individual for railroad employment after 1936 in accordance with the table contained in section 5 (l) (4) of the Railroad Retirement Act.

(c) *Quarter of coverage.* For the purpost of this subpart only, the term "quarter of coverage" means a wage quarter of coverage or a compensation quarter of coverage, and the term "quarters of coverage" means wage quarters of coverage, or compensation quarters of coverage, or both. No individual may have more than four quarters of coverage for a single calendar year.

SECTION 5 (k) (1) OF THE RAILROAD RETIREMENT ACT (60 STAT. 732)

For the purpose of determining insurance benefits under Title II of the Social Security Act which would begin to accrue on or after January 1, 1947, to a widow, parent, or surviving child, and with respect to lump-sum death payments under such title payable in relation to a death occurring on or after such date, section 15 of the Railroad Retirement Act of 1935, section 209 (b) (9) of the Social Security Act, and section 17 of this act shall not operate to exclude from "employment," under Title II of the Social Security Act, service which would otherwise be included in such "employment" but for such sections. For such purpose, compensation paid in a calendar year shall, in the absence of evidence to the contrary, be presumed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in services as an employee.

SECTION 5 (k) (3) OF THE RAILROAD RETIREMENT ACT (60 STAT. 732)

The Board and the Federal Security Administrator shall, upon request, supply each other with certified reports of records of compensation or wages and periods of service and of other records in their possession or which they may secure, pertinent to the administration of this section or Title II of the Social Security Act as affected by paragraph (1). Such certified reports shall be conclusive in adjudication as to the matters covered therein: *Provided*, That if the Board or the Federal Security Administrator receives evidence inconsistent with a certified report and the application involved is still in course of adjudication or otherwise open for such evidence, such recertification of such report shall be made as, in the judgment of the Board or the Federal Security Administrator, whichever made the original certification, the evidence warrants. Such recertification and any subsequent recertification shall be treated in the same manner and be subject to the same conditions as an original certification.

§ 403.1104 *Effect of Railroad Retirement Act on insured status and computation of benefits and lump sums.* Section 5 (k) (1) of the Railroad Retirement Act requires that any compensation for railroad service shall be treated as wages (see § 403.827 (b) (3)). Therefore, the compensation which furnished the basis for compensation quarters of coverage (see § 403.1103 (b)) shall be used for the purpose of determining a deceased individual's insured status (see §§ 403.201 and 403.202) or for computing the amount of the primary insurance benefit on the basis of which survivors benefits or a lump sum is payable (see §§ 403.301 and 403.302).

(a) *Presumption on basis of certified compensation record.* Where the Railroad Retirement Board certifies to the Administration a report of record of compensation and periods of service which does not identify the months or quarters in which compensation was paid, the sum of the compensation quarters of coverage (see § 403.1103 (b)) will be presumed, in the absence of evidence to the contrary, to represent an equivalent sum of wage quarters of coverage (see § 403.1103 (a)). No more than four quarters of coverage shall be credited to the wage earner in a single calendar year.

(b) *Allocation of compensation to months of service.* If by means of the presumption under paragraph (a) of this section:

(1) An insured status (see §§ 403.201 and 403.202) does not result from a combination of wage quarters of coverage and compensation quarters of coverage; or

(2) The average monthly wage may be affected because the deceased individual attained the age of 22 after 1936 (see § 403.302),

the Administration will request the Railroad Retirement Board to furnish a report of the months in which such individual rendered services for compensation, if it appears that identification of such months may result in an insured status or if it will affect the average monthly wage.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a), 1302; sec. 4, Reorg. Plan No. 2 of 1946, 3 CFR,

1946 Supp., Chapter IV; 45 CFR, 1946 Supp., 1.21)

Dated: August 5, 1948.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: August 11, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-7361; Filed, Aug. 16, 1948; 8:59 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter A—Property Improvement Loans

PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

MISCELLANEOUS AMENDMENTS

1. Section 501.2 (k) is hereby amended to read as follows:

(k) "Class 1 (b) Loan" means a loan which is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as an apartment house or a dwelling for two or more families.

2. Section 501.4 (b) is amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

(53 Stat. 804, 805, 55 Stat. 364, 365, 56 Stat. 305, 57 Stat. 571; and Pub. Laws 120, 901, 80th Congress, 12 U. S. C. and Sup. 1703)

The amendments contained herein are effective as to all loans made on or after August 11, 1948, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

AUGUST 11, 1948.

[F. R. Doc. 48-7352; Filed, Aug. 16, 1948; 8:48 a. m.]

PART 502—CLASS 3 PROPERTY IMPROVEMENT LOANS

MISCELLANEOUS AMENDMENTS

1. Section 502.4 (b) is amended by striking out $3,000" and inserting in lieu thereof "$4,500".

2. Section 502.6 (a) (1) is amended by striking out "$3,000" and inserting in lieu thereof "$4,500".

3. Section 502.7 (a) (1) is amended by striking out "$3,000" and inserting in lieu thereof "$4,500".

(53 Stat. 804, 805, 55 Stat. 364, 365, 56 Stat. 305, 57 Stat. 571; and Pub. Laws 120, 901, 80th Cong.; 12 U. S. C. and Sup., 1703)

The amendments contained herein are effective as to all loans on which final disbursement is made on or after August 11, 1948, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

AUGUST 11, 1948.

[F. R. Doc. 48-7351; Filed, Aug. 16, 1948; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 5]

PART 8305—SURPLUS REAL PROPERTY

War Assets Administration Regulation 5, October 24, 1947, as amended January 16, 1948, entitled "Surplus Real Property" (12 F. R. 7423, 7669; 13 F. R. 219) is hereby revised and amended as hereinafter set forth. New matter is indicated by underscoring. Orders 6, 11, 15 and 16 (10 F. R. 15269; 11 F. R. 9277, 8488, 14139) under this Part, shall continue in full force and effect. Orders 1, 2, 3, 4, 5, 8, 9, 10, 12, 13 and 14 (10 F. R. 12070, 12735, 12961, 14072, 14399; 11 F. R. 2380, 182, 609, 1357, 1527, 1528) under this Part, and the provisions of Orders 1 and 2 (11 F. R. 1743, 2933) under superseded Regulation 16 as well as the provisions of Order 1 (11 F. R. 7133) under superseded Regulation 20, having been complied with, need no longer be considered in force or effect.

Sec.

8305.1 Definitions.
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8305.8 [Deleted July 30, 1948]
8305.9 Duties of owning and disposal agencies.
8305.10 Revocable leases or permits.
8305.11 Easements.
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8305.20 Civilian components of the armed forces.
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8305.22 Form of conveyance.
8305.23 Disposal of leasehold interests and improvements by disposal agencies.
8305.24 Disposal under authority other than the Surplus Property Act.
8305.25 Functions of the Civil Aeronautics Administration.
8305.26 Fissionable materials.
8305.27 Submission to Attorney General and approval by regulatory agencies.
8305.28 Records and reports.
8305.29 Regulations by agencies to be reported to the Administrator.
8305.30 Exceptions.

Exhibit A. Federal agencies to be given notice of availability of surplus real property.

Exhibit B. Criteria for determining public benefit allowances.

AUTHORITY: §§ 8305.1 to 8305.30, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); Reorganization Plan 1 of 1947 (12 F. R. 4534).

§ 8305.1 *Definitions*—(a) *Terms defined in the act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Administration" means the War Assets Administration acting by or through the War Assets Administrator or a designated official to whom ministerial functions under this part have been delegated by the Administrator.

(2) "Administrator" means the War Assets Administrator.

(3) (i) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(ii) "Airport property" as used in this part means any surplus real property (not industrial) including improvements and personal property located thereon as part of the operating unit, which, in the determination of the Administrator of Civil Aeronautics, is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport; or reasonably necessary to fulfill the immediate and foreseeable future requirements of the owner or operator for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from non-aviation businesses at a public airport.

(4) "Continental United States" means the forty-eight (48) states and the District of Columbia.

(5) "Educational institution" means any school, school system, library, college, university, or other similar institution, organization, or association, which is devoted primarily to carrying on instruction or research in the public interest, and which is a nonprofit institution.

(6) "Fair value" means the maximum price which a well-informed buyer, acting voluntarily and intelligently, would be warranted in paying if he were acquiring the property for investment or for use with the intention of devoting such property to the best or most productive type of use for which the property is suitable or capable of being adapted.

(7) "Fissionable materials" means uranium, thorium, and all other materials determined pursuant to § 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761), to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in lands to be disposed of under

the Surplus Property Act of 1944 as amended (Executive Order 9908, dated December 5, 1947, 12 F. R. 8223).

(8) "Former owner" means the person from whom the real property was acquired by the Government.

(9) "Harbor" means any body of water sheltered by nature or by breakwaters, jetties, or similar structures, which affords anchorage for ships or other craft used in water-borne commerce. It includes the land, jetties, and breakwaters which form the sheltered water area as well as the structures and equipment which are required to keep the harbor in operative condition.

(10) "Improvements" means Government-owned structures, buildings, fixtures, facilities, utilities, and equipment attached to the realty.

(11) "Industrial real property" means real property the highest and best use of which is for purposes of manufacturing, fabricating, or processing of products, for mining operations or for the construction, repair, or operation of ships and other water-borne carriers, and railroad trackage, pipelines, and pipeline facilities used for transporting petroleum, petroleum products or gas, and power transmission lines. It includes land, or any interest in land, together with buildings, fixtures, facilities, utilities, and equipment located on such property or adapted to use in connection with such purposes, as well as unimproved land essential to the use of the property, and port terminals. It does not include, however, land, buildings, fixtures, facilities, utilities, or equipment classified by the Administration as airport property or nonindustrial property. In any case, the Administration may determine whether property is or is not industrial real property as defined herein.

(12) "Market price" means the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser buying with knowledge of the uses and purposes to which it is adapted and for which it is capable of being used.

(13) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, organization or association, or any nonprofit hospital or similar institution, organization, or association which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(14) "Own business enterprise" of a veteran as used in this part means one which is regularly pursued by, or is to be established by, a veteran to secure a livelihood and of which more than fifty (50) per cent of the proprietary interest therein is held by a veteran or veterans.

(15) "Owner-operator" means a person who seeks to acquire land classified as agricultural and represents that he expects to cultivate and operate the land for a livelihood.

(16) "Plant" means an industrial installation capable of operation as an economic unit and includes structures, buildings, fixtures, facilities, utilities and equipment of all types located on or used in the operation of the installation. It may or may not include the land.

(17) "Port terminal" means a facility for the loading and unloading of ships or other craft used in water-borne commerce.

(18) "Priority" means the right, subject to stated conditions and limitations, to acquire surplus real property to the exclusion of others.

(19) "Public-health institution" means any hospital, board, agency, institution, organization or association, which is devoted primarily to carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

(20) "Readily severable" means capable of being removed without substantial damage to either the property being removed or the premises.

(21) "Real property" means any interest owned by the United States or any Government agency in land and in any fixtures or improvements thereon of any kind, but does not include the public domain or such lands withdrawn or reserved from the public domain as the Administration determines are suitable for return to the public domain for disposition under the general land laws.

(22) "Scrambled facility" means Government-owned improvements, together with appurtenant equipment and other personal property, which are located on or used in the operation of a privately-owned plant or other non-Government-owned real property as an integral part thereof, and are not capable of economic operation as a separate and independent unit.

(23) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (i) commercial structures constructed by, or at the direction of, or on behalf of any Government agency, (ii) commercial structures which the Administration determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (iii) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Adminstration determines essential to the use of any of the foregoing.

(24) "Small business" as used herein means any enterprise or group of enterprises, under common ownership or control, which by reason of its relative size and position in its industry is determined by the disposal agency to be a small business.

(25) "State or local government" means a State, territory or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(26) "Termination inventory" means Government-owned raw materials, work in process, end items, and components used in the assembly of the end products located in or on a surplus plant.

(27) "Veteran" means any person in the active military or naval service of the United States during the present war or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. Veterans "released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive."

(28) "War housing" means real properties improved with housing structures, acquired or constructed by the Government subsequent to September 8, 1939, either (i) for the purpose of housing servicemen, war workers, and their families, or (ii) by the use of funds earmarked or appropriated for the housing of persons engaged in national defense activities, and their families.

(29) "Landing area" as used herein means any land or combination of water and land, together with improvements thereon and necessary operational equipment used in connection therewith, which is used for landing, take-offs, and parking of aircraft. The term includes, but is not limited to, runways, strips, taxiways, and parking aprons.

§ 8305.2 *Scope.* This part applies to all surplus Government-owned real property located within the continental United States, its territories and possessions, including personal property assigned for disposal therewith. It includes also items comprising termination inventory which the Administration determines are essential to the advantageous disposition of the real property. It does not include plant equipment which is included in a privately owned plant.

§ 8305.3 *Basic policy*—(a) In all actions taken pursuant to this part the disposal agency shall give due weight to the applicable objectives set forth in section 2 of the act. The Administrator finds that it is imperative that prompt action be taken with respect to the disposal of Government-owned real property except such property as may be needed for purposes of national defense. The disposal agency may, upon receipt of notice from the owning agency that property is to be declared surplus, take appropriate steps hereunder leading toward the disposal of real property prior to its declaration as surplus: *Provided, however,* That no final action shall be taken until an acceptable declaration has been filed.

(b) It is the policy of the Administrator that real property shall be disposed of by such methods as best meet the objectives of the act, including in appropriate cases the use of sealed bids.

(c) The disposal agency shall accept that proposal which it finds, upon an

evaluation of all the information available to it, will most clearly tend to meet the applicable objectives and provisions of the act. In any case, the disposal agency shall reject any proposal if it finds that on the whole it conflicts with such objectives. In considering proposals the disposal agency shall give thorough consideration to whether such objectives can best be met by leasing. Emphasis shall be placed upon the urgency of getting industrial property into civilian production or operation speedily so as to provide maximum employment in the postwar period. Due regard shall be given, however, to the possibility of enlarging the present major contribution to this objective which is made by small business and to the importance in this connection of maintenance of free independent competitive enterprise and the establishment of a maximum of independent operators in industry.

(d) It is the policy of the Administrator in considering equivalent or substantially equivalent proposals that medium-sized and small plants be sold or leased to local or small firms, preferably those owned or controlled by veterans. The disposal agency should therefore accept offers from responsible local groups with adequate working capital, experience, and other necessary qualifications, and should where necessary extend liberal credit terms over a period of years in preference to a cash offer from a firm or group which would tend to concentrate economic power.

(e) It is hereby declared that the national interest requires the disposal of surplus airport property in such a manner and upon such terms and conditions as will encourage and foster the development of civil aviation and provide and preserve for civil aviation and national defense purposes a strong, efficient, and properly maintained nationwide system of public airports, and will insure competition and will not result in monopoly. It is further declared that in making such disposals of surplus airport property the benefits which the public and the nation will derive therefrom must be the principal consideration, and financial return to the Government a secondary consideration. Airports which are surplus to the needs of owning agencies may be essential to the common defense of the nation or valuable in the maintenance of an adequate and economical national transportation system. In such cases and in accordance with the rules established herein such airports may be disposed of to State or local governments for considerations other than cash.

(f) The disposal agency shall keep a written record of the factors it weighed in arriving at a decision.

§ 8305.4 *Declarations*—(a) *General.* Declarations of surplus real property and surplus personal property located therein or thereon shall be filed with the Administrator as provided in Part 8301.[1] Such property shall be declared surplus subject to any outstanding rights of refusal or options to purchase or otherwise acquire the property, and nothing in this part shall be deemed to impair the right of any person to exercise any valid right of refusal or option.

(b) *Reservations, restrictions, and conditions; industrial plants.* (1) In connection with a declaration of surplus shipyards, plants, and equipment hereunder, the Department of the Army, the Department of the Navy or the Department of the Air Force may direct the imposition of such terms, conditions, restrictions, reservations on the disposal of the property as will in the opinion of the department concerned be adequate to assure the continued availability of such property for war production purposes as may be required in the interest of national defense.

(2) In the event the disposal agency is unable to dispose of any such industrial plants and equipment subject to such terms, conditions, restrictions, or reservations within a reasonable time and after such property shall have been offered for sale, the departments imposing the terms, conditions, restrictions, or reservations shall be notified, and it shall thereupon either (i) modify the terms, conditions, restrictions, or reservations to the extent necessary to permit a sale or lease of the property; (ii) withdraw the property from surplus, and in the case of Reconstruction Finance Corporation owned property will effect a transfer thereof in the manner provided in Public Law 364, 80th Congress; or (iii) eliminate or waive the requirements for the imposition of any terms, conditions, restrictions, or reservations.

§ 8305.5 *Classification.* All surplus real property shall be classified by the Administration to determine the methods and conditions of, and the priorities applicable to, the disposition of the property. The classification may be revised from time to time.

§ 8305.6 *Permit or order use.* When a Government agency utilizing Government-owned real property under some form of arrangement with another Government agency having primary jurisdiction over the property no longer needs the property, such real property and any interest therein shall be returned to the agency having primary jurisdiction over the property in accordance with the arrangement between such agencies, except where the property has been substantially improved while being so utilized. In this latter event, the agency utilizing the property shall make a report of the facts to the Administration for a determination as to how the interests of the Government will be best served.

§ 8305.7 [Deleted July 30, 1948.]

§ 8305.8 [Deleted July 30, 1948.]

§ 8305.9 *Duties of owning and disposal agencies*—(a) *Care and handling.* Upon the filing of an acceptable declaration of surplus property as provided in § 8305.4 of this part, the Administration or the disposal agency shall work out with the owning agency mutually satisfactory agreements for the assumption by the Administration or the disposal agency of the physical custody and control of, and accountability for, the property covered by the declaration. The owning agency shall take necessary steps to insure the reasonable preservation and safety of the property pending assumption of the physical custody by the designated disposal agency. Any agreements made between an owning and disposal agency which postpone the date on which such disposal agency shall be responsible for the physical care and handling of such property shall not postpone such date for more than ninety (90) days from the date when the acceptable declaration is filed, unless the prior approval of the Administration is obtained.

(b) *Repairs and improvements.* The disposal agency shall make or cause to be made repairs necessary for the protection and maintenance of the property. Where necessary, in order best to attain the applicable objectives of the act, consideration may be given to improvements or alterations which involve completing, converting, or rehabilitation of the property, and the disposal agency may make commitments and expenditures within its budgetary allotment for such purposes as in its opinion will further such objectives: *Provided, however,* That the disposal agency shall make no commitment or expenditure on account of such repairs or alterations in excess of $100,000 without prior written approval of the Administrator.

(c) *Taxes and other obligations.* Taxes, rents, and insurance premiums for a certain period which is partially prior and partially subsequent to the date on which the declaration of surplus is filed, shall be prorated between the owning agency and the disposal agency as of the date of the filing of an accpetable declaration. The agency paying the taxes, rents, and insurance premiums for such period shall be reimbursed by the other agency for that portion of such disbursements properly allocable to the other agency under such proration. Rents or other income received for any such period shall be prorated in like manner. The disposal agency shall be responsible for reimbursing the owning agency for payment of taxes covering any taxable period commencing after the filing of the acceptable declaration. The disposal agency may renew any lease pursuant to which the Government is in possession, and may assume and carry out any of the obligations of the lessee thereunder. It shall be the duty of the owning agency to renew any lease to be declared surplus to this Administration when the date upon which such property is to be declared surplus is within ninety (90) days of the period within which notice to renew, under the terms of the lease, shall be given.

(d) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, and consistent with any necessary restrictions in the interest of national security, the owning agency shall supply the disposal agency with the originals or true copies of all documents or portions thereof pertaining to the property in the possession of the owning

[1] Reg. 1 (12 F. R. 6661, 7810; 13 F. R. 1647, 2203).

agency and copies of which have not been filed with the declaration. These may include leases, permits, appraisal reports, abstracts of title, tax receipts, deeds, affidavits of title, copies of judgments in condemnation proceedings, maps, surveys, and such other papers as may relate to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied. The disposal agency may transfer to the purchaser of the property, as a part of the disposal transaction, any abstract of title, or title guaranty or title insurance policy, which relates to the property being transferred and which is no longer needed either by the owning agency or the disposal agency. The terms upon which such a transfer shall be made shall be fixed by the disposal agency.

(e) *Studies by disposal agency.* The disposal agency shall compile appropriate information regarding all real property to be disposed of hereunder. Any report by any person engaged to collect or evaluate information pursuant to this part shall contain a certificate that he has no interest, direct or indirect, which would conflict in any manner or degree with the preparation and submission of an impartial report. Consistent with any necessary restrictions in the interest of national security, the owning agency shall render all possible assistance to the disposal agency in compiling such information, and, where the owning agency shall have prepared any such information, it shall immediately upon request forward the same to the disposal agency and shall cooperate with the disposal agency in obtaining any further necessary information. The owning agency and the disposal agency shall avoid duplication of work in compiling or preparing any such information.

§ 8305.10 *Revocable leases or permits.* A lease or permit may be granted by the Government agency having custody of the property to place surplus real property in productive use: *Provided,* That such lease or permit shall be made revocable on not to exceed thirty (30) days' notice by the Government agency having jurisdiction of the property, and, *Provided further,* That the use and occupation will not interfere with, delay, or retard the disposition of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit. Unless otherwise authorized by the Administration, the lease or permit shall be for a consideration that is fair and reasonable under all the circumstances, with or without cash consideration, and shall be on such terms and conditions as are deemed appropriate properly to protect the interests of the United States. In the event the disposal agency, after the filing of an acceptable declaration, has not assumed physical custody and control, and accountability, of the property at the time the permit is to be issued, the issuance of the permit and the grant of immediate right of entry shall be by the owning agency, upon prior written authorization of the Administration.

§ 8305.11 *Easements*—(a) *To owner of servient estate.* The owning agency or the disposal agency, whichever has custody, control, and accountability of the property may, with or without consideration, dispose of an easement to the owner of the land which is subject to the easement when it is determined that the easement has no commercial value and is no longer needed: *Provided,* That, when any such easement was acquired for a substantial consideration such disposal shall be made at a consideration that is fair and reasonable under all the circumstances with due regard for any portion of the purchase price paid for severance damages.

(b) *To others.* Subject to the provisions of §§ 8305.12 and 8305.14 of this part, a disposal agency may grant easements in or over real property: *Provided,* That the prior approval of the Administration shall be obtained where the disposal agencies determine that the granting of such easements substantially decreases the value of the property, and, in such cases, the granting of the easement shall be for a consideration that is fair and reasonable, or without compensation when authorized by law.

§ 8305.12 *Priorities*—(a) *Order of priority.* In disposing of surplus real property the following priorities shall be recognized:

(1) Government agencies shall be accorded first priority to acquire all classes of surplus real property for their own use.

(2) State or local governments shall be accorded second priority to acquire all classes of surplus real property in order to fulfill, in the public interest, their legitimate needs. Any State or local government which has lost a highway or street over surplus section 23 real property because of Government acquisition or action shall be accorded a special priority, with precedence over all other State or local governments, to permit it to re-establish such highway or street. This right shall extend to the original right-of-way and any new or additional rights-of-way needed to re-establish the street or highway on a new or more adequate location. States and local governments in which a surplus harbor or port terminal is situated (including municipalities in the vicinity thereof) shall have a special priority over other State and local governments to acquire such property.

(3) A former owner shall be accorded third priority as to any surplus section 23 real property acquired from him by any Government agency after December 31, 1939. This priority shall relate to property which is substantially the identical tract acquired by the Government from the owner. If this tract is not available to the former owner or is not desired by him because it is no longer suitable for the purpose for which it was used when acquired by the Government, he may be offered substitute property. Such substitute property shall be in the same area, be classified as suitable for the use for which the original tract was used when acquired, and otherwise be similar to the original tract. With respect to any substitute property thus made available to him the former owner shall be accorded a priority subordinate only to the priorities of Government agencies, State or local governments, a former owner or a tenant of a former owner of the substitute property. Acquisition of a substitute tract shall extinguish the priority of the former owner with respect to the original tract. Where only a portion of an original tract acquired from a former owner is declared surplus and the circumstances indicate that the remainder of such former owner's original tract will be declared surplus within a reasonable time, the disposal agency, without affecting the priorities of Government agencies or State and local governments, may grant the former owner a priority to the portion first declared surplus and extend the same to a date ninety (90) days from the date notice is forwarded to the former owner of the availability of the entire original or substantially identical tract acquired from him.

(4) A tenant of a former owner, who was in possession of agricultural section 23 real property at the time the same was acquired by any Government agency after December 31, 1939, shall be accorded fourth priority with respect to substantially the same property occupied by him as tenant at the time of such acquisition.

(5) A veteran and the spouse and children (in that order) of a person who died while in the active military or naval service of the United States on or after September 16, 1940, shall be accorded a priority as to all surplus section 23 real property classified by the Administration as suitable for agricultural, residential, or small business purposes. This priority shall be subordinate to all the priorities described in subparagraphs (1) through (4) of this paragraph. The disposal agency shall satisfy itself, by reference to the veteran's discharge papers or other evidence, that the applicant is qualified to exercise this priority, and that the property applied for is for the applicant's own personal use for agricultural or residential purposes, or to enable the applicant to establish or maintain his own small business enterprise as defined in this part.

(6) Owner-operators shall be accorded a priority with respect to all surplus section 23 real property classified by the

Administration as suitable for agricultural use. This priority shall be subordinate to the priorities described in subparagraphs (1) through (5) of this paragraph.

(7) Nonprofit institutions shall be accorded a priority to acquire all classes of surplus real property, except airport, harbor, or industrial real property, in order to fulfill, in the public interest, their own legitimate needs. This priority shall be subordinate to the priorities described in subparagraphs (1) through (6) of this paragraph. Tax-supported institutions have a second priority for airport property.

(b) *Extent of priorities.* A priority may be exercised only for the entire interest which is offered: *Provided, however,* That the disposal agency may, in its discretion, accept an offer for less than such entire interest. The priorities of Government agencies, State, or local governments, tax-supported institutions, and nonprofit institutions are continuing priorities which are not exhausted because of their effective exercise with respect to a given piece of property. The priority of a veteran, the spouse and children of a deceased serviceman, or an owner-operator, ceases to exist after it has once been effectively exercised with respect to one appropriate unit. The priority of a former owner or tenant is limited to the particular property as described in paragraph (a) (3) and (4) of this section.

(c) *Transfer of priorities and transmission on death.* No assignment or transfer of a priority shall be recognized but the priority of a former owner may be exercised through an agent duly authorized in writing where the priority holder is so situated that he cannot exercise it in person. Upon the death of a veteran or former owner, his spouse and children (in that order) shall succeed to his priority rights. The priority right of a tenant shall be extinguished by his death.

(d) *Time and method of exercise.* Government agencies and State or local governments shall have a period of ten (10) days in which to exercise their respective priorities after the date notice of availability is first published. Where the former owner has a priority, the time for the exercise of the former owner's priority and all subordinate priorities shall be ninety (90) days after the date notice of availability is first published, or such additional period as the Administration may allow when necessary or appropriate to facilitate a sale of the property to a former owner entitled to priority. In all other cases, the priority period shall be a period of ten (10) days after the first publication of notice of availability. Within the established priority period, the priority holder shall indicate an intention to exercise his priority by submitting to the disposal agency a written offer to acquire the property, stating the price that the applicant is willing to pay or, in the case of a Government agency, that a transfer without reimbursement or transfer of funds is authorized by law. Each offer shall be accompanied by such deposit as the disposal agency may require, except that no deposit shall be required from a Government agency or State or local government. The offer of a Government agency shall state that the property is being acquired for its own use and not for transfer or disposition and shall set forth all pertinent facts pertaining to its need for the property. The offer of a State or local government, tax-supported, or nonprofit institution shall show in detail the contemplated use of the property. Veterans, the spouse and children of deceased servicemen, and the owner-operators may offer to purchase any or all units offered for sale. When an offer cannot be made because the disposal agency lacks necessary information on price, units, or other matter, it shall be sufficient if the priority holder, within the applicable priority period, files a written statement of his desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period), those who have filed such statements shall be so advised and given an opportunity to make an offer. The offer must be completed within a reasonable time as determined by the disposal agency. If a Government agency or State or local government shall require time to acquire funds or authority to acquire the property, the claimant shall, within the priority period, so state in its application and indicate the length of time needed for that purpose. The disposal agency will review the application and determine what time, if any, shall be allowed the applicant to conclude the acquisition of the property and will advise the applicant of such determination.

(e) *Failure to offer full amount or to exercise in time.* Except as otherwise provided in paragraph (d) of § 8305.12, all priorities not exercised during the priority period shall expire upon the termination of such period. The disposal agency may, in its discretion, permit priority holders to make offers after the priority period has ended, and such offers may be considered on the same basis as if they had been submitted during the priority period. Such action by the disposal agency, however, shall not be construed as extending the priority period, and such offers may not be accepted to the prejudice of a timely and acceptable offer from another priority offeror. In order to exercise his priority, the offer of a priority offeror shall meet all the requirements of § 8305.19 with respect to consideration, which consideration shall be established in each case by the disposal agency. If his bid is less than the established consideration, such bid shall be treated as a nonpriority offer: *Provided, however,* That an offer from a Federal agency, which offer is less than fair value, shall be rejected, except where a transfer without reimbursement or transfer of funds is authorized by law. Offers by those entitled to a priority hereunder, which offers do not meet all the requirements of this part, may, at the option of the disposal agency, be treated as nonpriority offers.

§ 8305.13 *Valuation and appraisal*—(a) *General.* Except as otherwise authorized by the Administration or as otherwise provided in this section, the disposal agency shall in all cases establish the fair value of the property assigned to it for disposition: *Provided, however,* That in those cases in which the property is classified as airport property and is to be disposed of to a State, local government or tax-supported institution, or is property which it is contemplated will be transferred to a Federal agency without reimbursement or transfer of funds, no estimate need be made of the value of the property.

(b) *Property to be acquired through exercise of former owner's and tenant's priority.* In connection with the sale of section 23 real property to a former owner or tenant entitled to a priority therein, the disposal agency shall determine the sale price, which price shall be the lower of (1) the market price, or (2) the acquisition price adjusted to reflect any increase or decrease in the value of the property resulting from action by the United States.

(c) *Method of determining values.* To determine values, the disposal agency shall have the property appraised by experienced and qualified appraisers familiar with the types of property to be appraised by them. They may be staff appraisers of the disposal agency, individuals employed on a loan reimbursable basis from other Federal agencies, or independent appraisers in private business. All appraisal reports shall contain a certificate executed by the appraiser certifying that he has no interest, direct or indirect, in the property, or sale or disposition thereof.

§ 8305.14 *Notice and advertisement*—(a) *Wide publicity.* Except where a transfer is requested by a Government agency, the disposal agency shall widely publicize all real property which becomes available for disposal hereunder, giving information adequate to inform interested persons of the general nature of the property and its possible uses, as well

as any reservations, restrictions, and conditions imposed upon its disposition. Such publicity shall be by public advertising or other appropriate public notice. The disposal agency may consult with local groups and organizations. The disposal agency shall, upon request, supply to bona fide potential purchasers and lessees adequate preliminary information and, with the cooperation of the owning agency where necessary, shall render such assistance to such persons as may enable them so far as feasible to acquire adequate information regarding the property. The disposal agency shall establish procedures, so that all persons showing due diligence are given full and complete opportunity to make a proposal.

(b) *Notice to priority holders.* At the time of the first publication of the advertising required by this section, or where advertising is not required under the provisions of paragraph (a) of this section, notice shall be sent by mail to all Government agencies listed in Exhibit A of this part. Except in such cases where advertising is not required, notice also shall be sent by mail to the State, political subdivision thereof, and any municipality in which the property is located, and, in the case of harbor or port terminal properties, to municipalities in the vicinity thereof, and should also be sent to any other State or local government, or any nonprofit institution which has expressed an interest in the property. In the case of airport property, notice shall be sent by mail to the State, political subdivision, or municipality in which the property is located, and should also be sent to any other State, political subdivision, or municipality, or to any tax-supported institution, which has expressed an interest in the property. Where, however, a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, no notice to other Government agencies is necessary. In those cases where the former owner is afforded a priority, the disposal agency, at the time of the first publication of such notice, shall send a copy thereof to the former owner at his last-known address by registered mail, with return receipt requested, except in those cases where the holder of a higher priority has indicated its intention to exercise its priority to acquire the property.

(c) *Inspection.* All persons interested in the acquisition of surplus property available for disposal under this part shall, with the cooperation of the owning agency where necessary, be permitted to make a complete inspection of such property, including any engineering reports made in connection therewith, subject to any necessary restrictions in the interest of national security and subject to such rules and regulations as may be prescribed by the owning or disposal agency. The consent of the sponsoring agency is required where the property is still in production or use.

(d) *Cut-off date.* Except as otherwise authorized by the Administration, all advertisements published pursuant to the requirements of this section shall contain a cut-off date for the submission of offers.

§ 8305.15 *Submission of proposals by nonpriority offerors.* All proposals made by any nonpriority holder interested in the acquisition of surplus real property available for disposal in accordance with the provisions of this part shall be in writing and, in addition to the financial terms upon which the proposal is predicated, shall set forth the willingness of the offeror to abide by the terms, conditions, reservations, and restrictions upon which the property is offered, and shall contain such other information as the disposal agency may request. Any information submitted, the disclosure of which might tend to subject the offeror to a competitive business disadvantage shall, upon request, be held in strict confidence by the disposal agency and by any other Government agency to which it is made available.

§ 8305.16 *Donations.* Surplus real property may be donated only to any agency or institution supported by the Federal Government, or any State or local government, or to any nonprofit educational or charitable organization, and only when the disposal agency finds in writing either: (a) that the property has no commercial value or (b) that the cost of its care, handling, and disposition would exceed the estimated proceeds of a sale. Before making any donation, however, the disposal agency shall in all cases obtain the prior approval of the Administration. To obtain such approval, the disposal agency shall submit to the Administration a copy of its findings, together with any supporting evidence, and a full description of any donation that may be proposed.

§ 8305.17 *Disposal for educational or public-health purposes.* State or local governments or educational or public-health institutions seeking to acquire surplus real property hereunder for educational use or to promote or protect the public health may qualify for an allowance from the fair value because of the benefit which has accrued or which may accrue to the United States by such use: *Provided,* That no public-benefit allowance may be allowed to any nonprofit institutions which are not exempt from taxation under section 101 (6) of the Internal Revenue Code. Applications for such allowances shall be filed with the Administration and shall indicate with reasonable completeness the nature of the contemplated use of the property, the basis for claiming preferential treatment, a full description of the applicant, and statement of the ways in which and the extent to which the United States will be benefited by the proposed use. Each such application shall be accompanied by a certificate of an authorized official of the applicant that the applicant is a State or local government, or that it is a nonprofit educational or public-health institution as defined in § 8305.1 (b) of this part, and that the property is being acquired for educational or public-health purposes. After considering the application and any other additional evidence deemed appropriate, the Administration shall determine the eligibility of the applicant and if found to be qualified shall compute the public-benefit allowance to be granted, if any, in accordance with the criteria contained in Exhibit B hereto, and shall certify the amount of the public-benefit allowance granted and direct the terms and conditions of the disposal.

§ 8305.18 *Disposal for wild life conservation under Public Law 537, 80th Congress.* Pursuant to Public Law 537, and notwithstanding any other provision of this part, the Department of the Interior or any State agency exercising jurisdiction over wild life resources of the State wherein a particular property is located, may make application to the War Assets Administrator for acquisition of real property owned in fee by the Government for wild life conservation without exchange of funds or monetary consideration. Such application shall set forth in reasonable detail the purpose for which the property is to be used and any further information which might be required for a determination by the Administrator. The disposal agency or the owning agency having jurisdiction of the property shall submit its recommendations to the Administrator as to the availability of the property, its utility and value for wild life purposes and any other pertinent facts, recommendations, and comments. The approval of the Administrator will be evidenced by an appropriate order hereunder which will set forth the terms, reservations, conditions, and restrictions of such transfer or disposal. Disposals to a State agency hereunder will be subject to: (a) a reverter (1) in case the property ceases to be used by such State for wild life conservation; or (2) in the event the United States determines that the property is needed for national defense purposes; (b) and a reservation to the United States of all oil, gas, and mineral rights.

NOTE: Former § 8505.18 redesignated § 8305.19 July 30, 1948.

§ 8305.19 *Price to priority claimants*—(a) *General.* Except as hereinafter provided, the price to be charged priority purchasers shall be the fair value of the property offered for disposal.

(b) *Transfers to Federal agencies without reimbursement.* Transfers may be made to Federal agencies without reimbursement or transfer of funds when such transfers are authorized by law.

(c) *Former owners and tenants.* The price to be paid by a former owner or tenant acquiring surplus section 23 real property shall be a price not greater than that for which it was acquired by the United States, such acquisition price be-

ing properly adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States, or a price equal to the market price at the time of sale of such property, whichever price is the lower.

(d) *Public parks, recreational areas, or historic monuments.* (1) Real property (including improvements and equipment located thereon) which is determined by the Secretary of the Interior to be suitable and desirable for use as a public park, recreational area, or historic monument, for the benefit of the public and which is determined to be available therefor by the War Assets Administrator, may be conveyed or disposed of to a State or local government. In the case of conveyances for park or recreational areas, the price to be paid therefor shall be equal to fifty (50) per centum of the fair value of the property conveyed, based on the highest and best use of the property at the time it is offered for disposal regardless of its former character or use. Conveyances of property for historic-monument purposes shall be made without monetary consideration. No property shall be determined by the Secretary of the Interior to be suitable or desirable for use as an historic monument (i) except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the act entitled "An act for the Preservation of Historic American Sites, Buildings, Objects and Antiquities of National Significance, and for other purposes", approved August 21, 1935 (49 Stat. 666); (ii) if its area exceeds that necessary for the preservation and proper observation of the historic monument situated thereon; and (iii) if it was acquired by the United States at any time subsequent to January 1, 1900.

(2) Transfers of property hereunder shall be subject to the following terms, conditions, reservations, and restrictions:

(i) The property shall be used and maintained for the purpose for which it is conveyed for a period of not less than twenty (20) years: *Provided*, That in the event such property ceases to be used or maintained for such purpose during such twenty (20) year period, the property shall in its then existing condition, at the option of the War Assets Administration, or successor agency, revert to the United States.

(ii) Such other additional terms, reservations, restrictions, and conditions as may be included by the War Assets Administration.

(e) *Rights-of-way.* The price to be paid by State or local governments for the acquisition of rights-of-way for highways or streets over surplus section 23 real property, pursuant to section 13 (e) of the act, shall be a price not exceeding that paid therefor by the Government.

(f) *Veterans.* Veterans and the spouse and children of deceased servicemen shall be entitled to purchase surplus section 23 real property at a price fixed by the disposal agency, after taking into consideration the current market value, the character of the property, and, if income-producing, the estimated earning capacity thereof.

(g) *Airport property.* (1) Property which is determined by the War Assets Administration to be available for disposal as airport property, and is not classified as industrial property, and which is determined by the Civil Aeronautics Administrator to be essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from nonaviation business at a public airport, may, with the approval of the War Assets Administration be conveyed or disposed of to any State, political subdivision thereof, municipality, or tax-supported institution without monetary consideration to the United States, but subject to the terms, conditions, reservations, and restrictions imposed by the War Assets Administration as hereinafter set out. Upon the request of the Administrator of Civil Aeronautics, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, any of such terms, conditions, reservations, or restrictions may be omitted, and any additional terms, conditions, reservations, or restrictions may be imposed if the Administrator of Civil Aeronautics, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force determines that such omission or inclusion is necessary to protect or advance the interests of the United States in civil aviation or for national defense. Before any such conditions, reservations, or restrictions are omitted or imposed upon the request of one of the named agencies information of such proposed change will be furnished to the other agencies.

(2) Subject to the provisions of subparagraph (1) above, such property shall be disposed of to such grantees subject to the following terms, conditions, reservations, and restrictions:

(i) The property shall not be used, leased, sold, salvaged, or disposed of by the grantee or transferee for other than airport purposes without the written consent of the Administrator of Civil Aeronautics, which consent shall be granted only if the Administrator of Civil Aeronautics determines that the property can be used, leased, sold, salvaged, or disposed of for other than airport purposes without materially and adversely affecting the development, improvement, operation, or maintenance of the airport conveyed, or the airport at which such property is located: *Provided*, That no structures disposed of hereunder shall be used as an industrial plant, factory, or similar facility within the meaning of section 23 of the Surplus Property Act, unless the grantee or its successors in title shall pay to the United States such sum as the War Assets Administrator shall determine to be a fair consideration for the removal of the restriction imposed by this paragraph.

(ii) The property shall be used and maintained as airport property for the use and benefit of the public, without unjust discrimination.

(iii) No exclusive right for the use of the airport conveyed, or the airport at which the property disposed of is located, shall be vested (either directly or indirectly) in any person or persons to the exclusion of others in the same class. For the purpose of this condition, an exclusive right is defined to mean:

(*a*) Any exclusive right to use the airport for conducting any particular aeronautical activity requiring operation of aircraft;

(*b*) Any exclusive right to engage in the sale or supplying of aircraft, aircraft accessories, equipment, or supplies (excluding the sale of gasoline and oil), or aircraft services necessary for the operation of aircraft (including the maintenace and repair of aircraft, aircraft engines, propellers, and appliances).

(iv) The grantee shall, in so far as it is within its powers, adequately clear and protect the aerial approaches to the airport by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards, and by preventing the establishment or creation of future airport hazards.

(v) During any national emergency declared by the President or by the Congress, the United States shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport conveyed, or the airport at which the surplus property is located or used, or of such portion thereof as it may desire: *Provided, however*, That the United States shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive possession and control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession: *Provided, further*, That the United States shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without United States aid.

(vi) The United States shall at all times have the right to make nonexclusive use of the landing area of the airport conveyed, or the airport at which the surplus property is located or used, without charge: *Provided, however*, That such use may be limited as may be determined at any time (other than during the existence of a national emergency) by the Administrator of Civil Aeronautics to be necessary to prevent undue interference with use by other authorized aircraft: *Provided, further*, That the United States shall be obligated to pay for damages caused by such use, or if its use of the landing area is substantial, to contribute a reasonable share of the cost of maintaining and operating the landing

area, commensurate with the use made by it.

(vii) The grantee accepting a conveyance or transfer of surplus airport property shall release the United States from any and all liability it may be under for restoration or other damages under any lease or other agreement covering the use by the United States of any airport, or part thereof, owned, controlled, or operated by the grantee upon which, adjacent to which, or in connection with which, the surplus property was located or used: *Provided,* That no such release shall be construed as depriving the grantee of any right it may otherwise have to receive reimbursement under section 17 of the Federal Airport Act for the necessary rehabilitation or repair of public airports heretofore or hereafter substantially damaged by any Federal agency.

(viii) In the event that any of the terms, conditions, reservations, and restrictions upon or subject to which the property is disposed of is not met, observed, or complied with, all of the property so disposed of, or any portion thereof, shall, at the option of the United States, as exercised by the Civil Aeronautics Administrator, revert to the United States in its then existing condition.

(3) Any airport property not disposed of pursuant to the provisions of this section shall be disposed of in accordance with other applicable provisions of this part, including, if appropriate, further classification by the War Assets Administration.

§ 8305.20 *Civilian components of the armed forces.* Real property, including improvements and equipment located thereon, may be conveyed or disposed of to the State or local government, in which the property is located, without monetary consideration, except for reimbursement for any costs of disposal including surveys, expenses of removal of any machinery, equipment, or personal property not transferred as part thereof and any other incidental costs incurred by the disposal agency in connection with the transfer. Such transfers shall be made only upon application therefor by the Governor of the State in which the property is situated and upon a certification by such Governor and by the Secretary of the Army, Secretary of Navy, or Secretary of the Air Force that such property is suitable and needed for use in training and maintaining a civilian component of the armed forces under such Governor's and Secretary's respective jurisdiction. Conveyances of property hereunder shall be made subject to the following terms and conditions:

(a) The property shall be used and maintained for the purpose for which it is conveyed for a period of not less than twenty (20) years: *Provided,* That in the event such property ceases to be used or maintained for such purpose during such twenty (20) year period, title to the property shall, in its then existing condition, and at the option of the War Assets Administration, or its successor, revert to the United States.

(b) Such other additional terms, reservations, restrictions, and conditions as may be included by the War Assets Administration.

NOTE: Former §§ 8305.19 to 8305.28, inclusive, redesignated §§ 8305.21 to 8305.30, inclusive, July 30, 1948.

§ 8305.21 *Acceptance of offers*—(a) *General.* The disposal agency shall allow a reasonable period of time within which the successful bidder shall consummate the transaction and shall notify the successful bidder of the period allowed. Offers from priority holders at their respective established considerations shall be accepted in the order of their priority. If there are several acceptable offers at the same price or consideration from offerors in the same priority group or from nonpriority offerors, the offer to be accepted from that group shall be selected as provided in paragraph (c) of this section. In evaluating offers, the disposal agency shall be guided by all of the applicable objectives of the act. In addition, due consideration shall be given to the offers of nonprofit institutions and such offers shall be carefully considered, bearing in mind the nature of the nonprofit institution and the use to which it proposes to put the property. Disposal agencies may reject any offer which is below the fair value of the property other than an offer from a priority holder for the maximum consideration established for a transfer to such a priority holder. When a veteran, the spouse and children of a deceased serviceman, or an owner-operator has made an offer for more than one unit, only one of the offers of such offeror shall be accepted. No disposal shall be made at a price which is more than twenty-five (25) per centum below the established fair value until such disposal has been reviewed and approved by the Administration, unless that price or consideration is the maximum price or consideration which may be charged the purchaser.

(b) *Proof of priority status.* Before a disposal agency shall dispose of surplus real property on the basis of the priority claimed by the offeror, it shall require satisfactory proof of the priority status, identity, or authority of the person making the offer.

(c) *Equal offers.* If equal acceptable offers are received for the same property from two or more offerors of the same priority group, or if equal offers are received from two or more nonpriority offerors, selection shall be made as follows:

(1) In the case of Government agencies, State or local governments, tax-supported or non-profit institutions the selection shall be determined on the basis of need. If the matter cannot be determined by agreement between the claimants, the disposal agency shall report the matter in writing to the Administration, setting forth the names of the competing claimants, a summary of their respective claims, a description of the property involved, and the recommendations, if any, of the disposal agency, together with any statements in writing which the claimants, or any of them, may wish to file with the Administration. The Administration shall review the matter and report its determination to the disposal agency. The Administration's determination shall be final for all purposes.

(2) With respect to veterans, the selection shall be by lot. With respect to all other priority groups and nonpriority offerors, the selection shall be determined, unless otherwise directed by the Administration, by taking into consideration actual proposals received and the use of the property most desirable in the light of the applicable objectives of the act.

(3) If a veteran, the spouse and children of a deceased serviceman, or an owner-operator is selected for more than one unit, he shall elect in writing which one he shall take and thereupon the right to purchase the remaining unit or units of property shall go to the remaining applicants in the particular priority group in the order in which the names are drawn.

(d) *Notice to unsuccessful bidders; nonperformance by successful bidder.* When an offer for surplus real property has been accepted, the disposal agency shall notify the unsuccessful bidders of such acceptance and return their deposits, if any, to them. If the successful bidder fails to complete the transaction, the disposal agency shall promptly notify by mail all those who made unsuccessful offers during the priority period or any time allowed thereafter that if they renew their offers within fifteen (15) days from the date of mailing of the notice they will be reconsidered on the same basis on which they would have been considered had the offer accepted not been received in the first instance.

(e) *Absence of acceptable offers; methods of sale.* If no acceptable offer is received, the disposal agency shall proceed to dispose of the property by negotiated sale, auction, or other suitable method. Such disposals shall be subject to the price restrictions of paragraph (a) of this section, unless otherwise authorized by the Administration.

§ 8305.22 *Form of conveyance*—(a) *General.* The deed or instrument of transfer shall be on a form approved by the Attorney General. Disposals shall be by quitclaim deed unless the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable and unless the use of such a deed is recommended and approved by the Attorney General as provided in the act.

(b) *Conditions in disposal instrument.* Unless otherwise authorized by the Administration, as a part of each disposal pursuant to this part, any priority claimant, or any person acquiring surplus industrial property, shall certify in writing that he is acquiring the property for the uses and purposes set forth in his proposal and (1) if a purchaser, that he will not sell the real property within two (2) years without first obtaining the written authorization of the Administration; (2) if a lessee, that he will not assign the lease or sublet all of the property without the prior written consent of the Administration, nor will he sublet any por-

tion of the premises without such approval, except as permitted under the terms of the lease: *Provided, however,* That no such restriction as to resale shall be imposed upon a conveyance to a former owner, or the tenant of a former owner, acquiring surplus section 23 real property through an exercise of his priority, or upon a conveyance of airport property, or war housing or other structures and improvements sold for removal from the site. If the disposal agency extends credit, the purchaser shall agree that, until full payment is made, he will not resell the property without the prior written authorization of the Administration to such resale. Any deed, lease, or other instrument executed to dispose of property under this part, subject to reservations, restrictions, or conditions, as to the future use, maintenance, or transfer of the property, shall, unless otherwise authorized by the Administration, recite all representations and agreements pertaining thereto; and may contain a provision to the effect that, upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferees, the title, right of possession, or other right disposed of, shall, at the option of the Government, revert to the Government upon demand. Deeds or instruments for the disposal of airport property shall recite the conditions, reservations, and restrictions imposed pursuant to §8305.19 (g) (2).

§ 8305.23 *Disposal of leasehold interests and improvements by disposal agencies* — (a) *Improvements: leaseholds.* Where surplus real property held only under lease or other similar right of occupancy, with or without improvements thereon, is assigned to a disposal agency for disposition, such disposal agency, subject to the provisions of § 8305.14 and § 8305.19 (g) of this part, (1) may accept a proposal from a priority holder under this part, in order of priority, or, if there is no priority offeror, then from a nonpriority offeror, to assume the obligations of the lease, unless such a transfer is prohibited by the terms of the lease or other instrument under which the interest was acquired, and may dispose of any structures or improvements located on or in the property, subject to such reservations, restrictions and conditions, if any, as the Administration deems necessary properly to protect the interests of the United States, in the following order:

First, by any one or more of the following methods:

(i) By disposition of all or a portion thereof to the transferee of the leasehold interest for a consideration that is fair and reasonable under all the circumstances.

(ii) By disposition in accordance with contractual commitments, or

(iii) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, or upon a release by the lessor or owner of a restoration obligation plus the payment of a consideration that is fair and reasonable under all the circumstances, or

Second, by disposition to priority holders under this part, in their order of priority, for removal from the site, or

Third, by disposition to nonpriority holders for removal from the site; or

(2) may cancel the lease, by notice or negotiated agreement, and dispose of any structures or improvements located on or in the property, subject to such reservations, restrictions, and conditions, if any, as the Administration deems necessary properly to protect the interests of the United States in the same manner as described in subparagraph (1) above for the disposition of structures and improvements in those cases in which the lease is to be transferred or assigned, except that the method providing for disposition to the transferees or assignee of the leasehold or other similar right of occupancy would not be applicable.

(b) *Improvements, Government-owned land.* In the case of Government-owned land, the disposal agency may dispose of structures and improvements with the land or intact and separate from the land. In either case, disposals shall be subject to applicable provisions of this part.

(c) *Personalty.* Where it is determined that equipment or supplies or other personal property located in or on surplus real property is to be disposed of in conjunction with real property, it may be disposed of with the real property subject to applicable provisions of this part. The disposal agency shall hold such surplus personalty intact until such time as the disposal agency determines in writing that the retention of any part of the personalty will not facilitate the disposition of any or all of the surplus real property, at which time the personalty to be released shall be transferred to the jurisdiction of the agency designated in Part 8301 to dispose of such property. In connection with the leasing of any surplus real property, the disposal agency may sell to the lessee any personal property determined to be necessary for the operation of the realty.

§ 8305.24 *Disposal under authority other than the Surplus Property Act.* Disposals of airport, harbor, or industrial real property shall not be made under other laws, pursuant to section 34 (a) of the act, but shall be made only in strict accordance with the provisions of this part unless the Administrator, upon written application by the owning agency or other interested Government agency, shall consent in writing to a disposal under such other laws.

§ 8305.25 *Functions of the Civil Aeronautics Administration.* In the disposal of surplus airport property under this part, the disposal agency may avail itself of the services of representatives of the Civil Aeronautics Administration in connection with the disposal of surplus airport property, and shall consult with and obtain the recommendations of the Civil Aeronautics Administration in all decisions pertaining to civil aviation. In addition, the Civil Aeronautics Administration shall furnish such technical assistance as the Administrator or the disposal agency may request and the Civil Aeronautics Administration is in a position to provide.

§ 8305.26 *Fissionable materials.* (a) In all disposals of lands hereafter made under the authority and provisions of the act except (1) conveyances where all minerals, including source material, are reserved to the United States and (2) any disposition of land which is not in excess of one acre and which is devoted primarily to a residential use;

(b) In all leases, permits or other authorization of whatever kind hereafter granted to remove minerals from such lands and all leases, permits or other authorizations which otherwise would preclude the United States from exercising its right to enter upon the lands and prospect for, mine, and remove minerals;

(c) There shall be included the following reservation:

All uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such materials had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation hereby made shall be of no further force or effect.

§ 8305.27 *Submission to Attorney General and approval by regulatory agencies*—(a) *Attorney General.* In any case in which real property available for disposal hereunder cost $1,000,000 or more, a complete statement of any proposed disposal to private interests which has been tentatively decided upon, including all information compiled or obtained by the disposal agency, shall be made available by the disposal agency to the Attorney General as required by section 20 of the act.

(b) *Regulatory agencies.* All disposals of surplus transportation property shall

be subject to the approval of any regulatory agency, Federal or State, having jurisdiction of such disposal by reason of the type of property involved.

§ 8305.28 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8305.29 *Regulations by agencies to be reported to the Administrator.* Each owning and disposal agency shall file with the Administration copies of all regulations, orders and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8305.30 *Exceptions.* Exceptions to any portions of the procedure set forth in this part may be made by direction of the Administrator where such exception would not be in violation of the act.

This revision of this part shall become effective July 30, 1948.

JESS LARSON,
Administrator.

JULY 30, 1948.

EXHIBIT A

NOTE: Exhibit A, revised July 30, 1948.

Federal Agencies To Be Given Notice of Availability of Surplus Real Property

Department of the Air Forces.
Department of Agriculture.
Department of Commerce.
Department of the Interior.
Department of Labor.
Department of Justice.
Department of the Navy.
Department of State.
Department of the Treasury.
Department of the Army.
Federal Communications Commission.
Federal Works Agency.
Federal Power Commission.
National Housing Agency.
Office of Scientific Research and Development.
Tennessee Valley Authority.
United States Maritime Commission.
Veterans' Administration.

The mailing address of all agencies listed in this exhibit is Washington 25, D. C.

EXHIBIT B

PART 1

NOTE.—Exhibit B added July 30, 1948

WAR ASSETS ADMINISTRATION

PUBLIC BENEFIT ALLOWANCE FORMULA FOR TRANSFER OF REAL PROPERTY FOR HEALTH PURPOSES

Specifications for basic public benefit allowance:[1]

1. Proof of need.
2. Ability to operate and maintain.
3. Suitability of facilities or adaptability for conversion.
4. Permanent utilization (If utilization of land and buildings is temporary, transfer to be made by lease).

Classification [A]	Description of allowances [B]										Performance allowances						Additional considerations, [C] property suitable for industrial use [3]		
	Basic public benefit allowance	Unrestricted use	Full or partial tax support	Income variation by highest income quartile			Inadequacy of existing facilities (percent)				Approval of AM. College of Surgeons or comparable approval	Approved training of interns	Approved training of residents	Approved training of nurses	Integrated research program	Maximum public benefit allowance [2]	Endorsement by appropriate local governments	Loss of real estate taxes potential	Loss of potential employment and production
				4th	3d	2d	90 to 100	76 to 89	51 to 75	26 to 50	10 to 25									
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
General hospital	40	10	10	20	15	10	30	25	20	10	5	15	5	5	5	5	100	+15	−15	−30
Tubercular hospitals	40	10	10	20	15	10	30	25	20	10	5	15	------	5	5	5	100	+15	−15	−30
Mental hospitals	40	10	10	20	15	10	30	25	20	10	5	15	------	5	5	5	100	+15	−15	−30
Specialty hospitals	40	10	10	20	15	10	30	25	20	10	5	15	------	5	5	5	100	+15	−15	−30
Public health clinics	100	------	------	----	----	----	----	----	----	----	----	------	------	------	------	------	100	+15	−15	−30
Refuse disposal systems [4]	100	------	------	----	----	----	----	----	----	----	----	------	------	------	------	------	100	Not applicable.		
Water distribution systems [5]	40	------	------	----	----	----	----	----	----	----	----	------	------	------	------	------	40	Not applicable.		
Health research projects	100	------	------	----	----	----	----	----	----	----	----	------	------	------	------	------	100	+15	−15	−30
Public health administration facilities	100	------	------	----	----	----	----	----	----	----	----	------	------	------	------	------	100	+15	−15	−30

In event of multiple use, predominant service will be rated with consideration to secondary services.

[1] To be eligible for any public benefit allowance the health program of the applicant must be approved by the Public Health consultant.

[2] Less direct expenses incidental to transfer which will be paid by the purchaser in all cases where a 100% public benefit allowance is to be granted. These expenses will be computed for the individual case, and will include taxes due at transfer, additional title work, survey, appraisal, decontamination, government moving costs, and inventories incidental to transfer.

[3] Applicable when separate transfer is involved. The public benefit allowance for the over-all health or educational program is applicable when conveyed with other facilities.

PUBLIC-BENEFIT ALLOWANCE FORMULA–HEALTH

[A] CLASSIFICATION:

General Hospitals: Includes hospitals offering acute medical surgery, obstetrics and other special services.

Tubercular Hospitals: Includes hospitals offering special treatment for tubercular patients.

Mental hospitals: Includes hospitals for the treatment of nervous and mental disorders.

Speciality Hospitals: Includes hospitals specializing in the treatment of crippling diseases, maternity care, children, and eye, ear and throat disorders.

Public Health Clinic: Includes clinics offering pre-natal and post-natal care, treatment of well babies, venereal diseases, cardiac conditions, and tuberculosis.

Refuse Disposal Systems: Includes sewage disposal systems, incinerators, and garbage disposal facilities.

Water Distribution System: Includes wells, pumps, purifiers, reservoirs, and distribution mains.

Health Research Projects: Includes Research Institutions and health laboratories.

Public Health Administration Facilities: Includes physical facilities for public health administration covering public health laboratories, nursing programs, and environmental sanitation.

[B] DESCRIPTION OF ALLOWANCES:

Basic Public-Benefit Allowance: This allowance is granted to any institution meeting all four specifications for basis public-benefit allowance and having programs approved by the Public Health Consultant.

Unrestricted Use: This allowance is granted to institutions for non discrimination as to race, color, sex, religion and political principles and financial status, within the limitation of State laws.

Full or Partial Tax Support: This allowance is granted for any appropriation or allotment of public revenues for operation of the health institution.

Income Variations by High Income Quartile: (Statistics furnished by Public Health Consultant.) The purpose of this allowance is to properly reflect benefits accruing through improved health facilities in low income areas where there is the greatest need.

Inadequacy of Existing Facilities: (Information on this allowance is furnished by Public Health Consultant.) Based on United States Health Service data covering existing facilities and minimum essential facilities for the area.

Performance Allowances: These public benefit allowances are granted in an attempt to secure compliance by hospitals with improved hospital practices. The approval of The American College of Surgeons can only be obtained where high standards for staff, laboratory technicians and facilities, and other important modern hospitalization practices are followed. Such approval cannot be obtained until a full year of operation. Any allowance for performance will be given in the original public benefit allowance determination, however, the conveyance instrument will require compliance and title will revert to the United States for noncompliance. Similar allowance will be made to mental institutions for performance standards approved by United States Public Health Service or American Psychiatric Society. Integrated research program allowance will be made where the research program is approved by the Public Health Consultant and funds are available and earmarked for the research.

[C] ADDITIONAL CONSIDERATIONS:

Property Suitable for Industrial Use: (To be computed from the maximum public-benefit allowance of 100% or less, determined on the standard formula where demolition of the facilities is not contemplated by WAA.)

Endorsement by Appropriate Local Governments: Allowed where the city, town, county or other appropriate political subdivision approves the use for health purposes or property otherwise suitable for industrial use and subject to taxation.

Loss of Real Estate Taxes Potential: A deduction from the public-benefit allowance for property suitable for industrial use is automatically made for tax-exempt health use.

Loss of Potential Employment and Production: A deduction from the public-benefit allowance for property suitable for industrial use is automatically made for any potential employment and production lost through health use.

NOTE: Refuse Disposal System and Water Distribution System, when offered for disposal separately from the facilities they serve, being utilities, are industrial property. Nevertheless, they are treated in a special category and are not subject to the consideration stated immediately above. Industrial land sought at public benefit allowance to be used as a site for the construction or erection of environmental sanitation facilities or for use in conjunction therewith is subject to the considerations stated above.

EXHIBIT B

PART 2

WAR ASSETS ADMINISTRATION

PUBLIC BENEFIT ALLOWANCE FORMULA FOR TRANSFER OF REAL PROPERTY FOR EDUCATIONAL PURPOSES

Specifications for basic public benefit allowance:[1]

1. Proof of need.
2. Ability to operate and maintain.
3. Suitability of facilities or adaptability for conversion.
4. Permanent utilization (if utilization of land and buildings is temporary, transfer to be made by lease).

Classification [4]	Standard formula [5]									Maximum public benefit allowance [2]	Additional considerations [6] property suitable for industrial use [3]		
	Basic public benefit allowance	Unrestricted use	Full or partial tax support	Veterans preference	Maintenance of accrediting standards	Defense activities	Inadequacy of existing facilities (percent)				Endorsement by appropriate local governments	Loss of real estate taxes potential	Loss of potential employment and production
							51 to 100	26 to 50	10 to 25				
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Higher education	40	10	10	30	20	10	30	20	10	100	+15	−15	−30
School systems	40	10	10	30	20	10	30	20	10	100			
Specialized schools	40	10	10	30	20	10	30	20	10	100	+15	−15	−30
Special research and experimentation projects	100									100	+15	−15	−30
Public libraries	40	10	10							60			

In event of multiple classification conveyance, predominant service will be rated with consideration to secondary services.

[1] To be eligible for any public benefit allowance, the educational program of the applicant must be approved by the U. S. Office of Education.

[2] Less direct expenses incidental to transfer which will be paid by the purchaser in all cases where a 100% public benefit allowance is to be granted. These expenses will be computed for the individual case, and will include taxes due at transfer, additional title work, survey, appraisal, decontamination, government moving costs, and inventories incidental to transfer.

[3] To be computed from maximum public benefit allowance of 100% or less determined on standard formula—will not apply for industrial property where demolition is contemplated by WAA.

PUBLIC BENEFIT ALLOWANCE FORMULA—EDUCATION

[4] CLASSIFICATION:

1. Higher Education: Includes Junior Colleges, Colleges and Universities.
2. School Systems: Includes Elementary Schools and Junior and Senior High Schools.
3. Specialized Schools: Includes vocational schools and schools for specialized training, such as: radio schools, electrical schools and mechanical schools.
4. Special Research and Experimental Projects: Includes research institutions, research laboratories and experimental laboratories.
5. Public Libraries: Includes county, municipal, and other Public Libraries, but does not include school libraries for which discounts may be determined under other appropriate classification.

[5] STANDARD FORMULA:

1. Basic Public Benefit Allowance: This is the allowance granted to institutions meeting all four basic specifications for public benefit allowance and contemplating educational programs approved by the United States Office of Education.
2. Unrestricted Use: The allowance granted any institution for nondiscrimination, within limits imposed by state laws, as to nationality, race, religion and political principles and residence.
3. Full or Partial Tax Support: The allowance granted for any appropriation or allotment of public revenues for operation of the educational institution.
4. Veterans' Preference: The allowance granted for the local Veterans' Administration's statement of urgent need for an educational program and its acceptability under the Servicemen's Readjustment Act of 1944 (58 Stat. 284). This allowance is applicable only to new educational units separate from or a part of the existing educational plant and to surplus facilities for additional classroom, laboratories, vocational shops, and housing directly contributing to Veterans education.
5. Maintenance of Accrediting Standards: The allowance granted to any institution carrying on programs which meet state or recognized regional accrediting association requirements. This allowance to be recommended by the United States Office of Education.
6. Defense Activities: The allowance granted where the institution has credit or ROTC units; contracts for defense research with the Army or Navy; or other similar activities.
7. Inadequacy of Existing Facilities: This allowance is based on the degree of need, on a percentage basis depending upon the degree of inadequacy. The percent of inadequacy will be determined on the basis of the maximum enrollment which can be accommodated in the present facilities under state accrediting standards and the anticipated enrollment provided the facilities requested are transferred. The degree of inadequacy will be determined by the United States Office of Education, and is applicable only to surplus facilities which provide additional classroom, laboratories and vocational shops or release existing facilities therefor.

[6] ADDITIONAL CONSIDERATIONS:

1. Property Suitable for Industrial Use: (This is computed from the maximum public benefit allowance of 100% or less, determined on the standard formula where demonstration of the facilities is not contemplated by the Administration.)
2. Endorsement by Appropriate Local Governments: This allowance is granted where the political subdivision approves the use for educational purposes of property otherwise suitable for industrial use and subject to taxation.
3. Loss of Real Estate Taxes Potential: A deduction from the public benefit allowance for property suitable for industrial use is automatically made for tax-exempt educational use.
4. Loss of Potential Employment and Production: A deduction from the public benefit allowance for property suitable for educational use is automatically made for any potential employment and production lost through educational use.

EXHIBIT B

PART 3

PUBLIC-BENEFIT ALLOWANCE [1]

(Granted in connection with transfer of facilities where the transfer of land is not involved)

	Public-benefit allowance (percent)
A. Health Programs	
Building use:	
Main hospital building	95
Ward	95
Infirmary	95
Clinic	95
Laboratory	95
Nurses' and technicians' quarters	80
Cafeterias and kitchens	80
Other eligible uses	40
Environment Sanitation Facilities [2]	
B. Education Programs	
Building use:	
Classroom	95
Vocational shops	95
Cafeteria	80
Dormitories	80
Gymnasium	80
Auditorium	80
Library	80
Teacherages and faculty housing	50
Other eligible uses	40

[1] In the determination of public-benefit allowance in connection with structures the percentages set forth in the above chart will be deducted from the appraised value of each separate building, depending on the certified use.

[2] Disposals of environmental sanitation facilities for use off-site may be effected on a public-benefit allowance basis at the following percentage deduction from a fair value:

(a) A refuse disposal system in plants such as sewage disposals and garbage incinerators and salable portions of such facilities, when disposed of for use off-site, are subject to the public-benefit allowance of ninety-five percent (95%);

(b) Water distribution systems and salable portions of such facilities, including pumping equipment, purifiers, reservoirs, and disposition mains, when disposed of for use off-site, are subject to the public-benefit allowance of forty percent (40%).

Provided, The applicant in any such case meets all required specifications and furnishes the certificate and appropriate evidence of tax-exemption, if necessary, *and provided further*, That such applicant includes in its certificate the following certifications:

(a) That it is an instrumentality of a local government or a non-profit institution, tax-exempt under section 101 (6) of the Internal Revenue Code;

(b) That the building (facilities) applied for will be used solely for specified health or education purposes;

(c) That the building (facilities) will not be sold or otherwise conveyed for a period of five (5) years, except that they may be replaced by permanent facilities serving the same purpose;

(d) That semi-annual reports certifying compliance with the program for which public-benefit allowance was granted will be filed with the War Assets Administration or successor agency during the five-year period following conveyance;

(e) That the facilities are being acquired for use in a specified area or areas where a measurable health hazard exists;

(f) That the revenues to be derived from use of the system of which the facilities transferred will be a part, shall be limited to operating costs and normal reserves;

(g) That fifty-one percent (51%) or more of the capacity of the facility will be used for other than industrial purposes; and furnishes in support of such certification a program showing in detail the manner in which the facilities are to be utilized.

[F. R. Doc. 48-7442; Filed, Aug. 16, 1948; 11:24 a. m.]

PART 8316—SURPLUS AIRPORT PROPERTY

CROSS REFERENCE: For order discontinuing in effect §§ 8316.51 and 8316.52, see Part 8305 of this chapter.

PART 8320—SURPLUS MARINE INDUSTRIAL REAL PROPERTY

CROSS REFERENCE: For order discontinuing in effect § 8320.51, see Part 8305 of this chapter.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 822]

PART 95—CAR SERVICE

REFRIGERATORS FOR BOX CARS TO OREGON AND WASHINGTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of August A. D. 1948.

It appearing, that the practice of transporting certain refrigerator cars empty westbound to Oregon and Washington diminishes the use, control and supply of such cars, and that the loading of those cars with non-perishables in lieu of box cars will reduce the shortage of box cars; in opinion of the Commission an emergency requiring immediate action exists in the western section of the country. It is ordered, that:

§ 95.822 *Refrigerators for box cars to Oregon and Washington.* (a) Any common carrier by railroad subject to the Interstate Commerce Act, for transporting:

(1) Westbound shipments in carloads originating at points shown as origin points in Agent L. E. Kipp's tariff, I. C. C. Nos. 1516, supplements thereto or reissues thereof, and destined to points in the States of Oregon and Washington may, when freight (except freight requiring refrigeration, ventilation, insulation or heater service at the time cars are furnished or transported) to be transported is suitable, and facilities are suitable, for loading in FGEX, WFEX, BREX, CX, FWDX, NP AND NRC refrigerator cars and when such refrigerator cars are reasonably available:

(i) On shipments on which the carload minimum weight does not vary with the size of the car, furnish and transport not more than three such refrigerator cars in lieu of each box car ordered subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car; or

(ii) On shipments on which the carload minimum weight varies with the size of the car:

(*a*) Two (2) of the said refrigerator cars may be furnished in lieu of one (1) box car ordered of a length 40' 7" or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered; or

(*b*) Three (3) of the said refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40' 7" but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(c) *Application.* (1) The provisions of Service Order No. 68, as amended, insofar as they conflict with this section are suspended. (2) No car or cars subject to this section shall be stopped in transit to complete loading. (3) Any car or cars subject to this section may be stopped in transit for partial unloading of not less than 10,000 pounds of freight, or of the entire contents of a car loaded to visible capacity, at any point in the territory west of a line, but not including, Chicago, Ill., through Peoria, Ill., and St. Louis, Mo., thence Mississippi River to the Gulf of Mexico, provided such stop-off is authorized in tariffs on file with this Commission.

(d) *Effective date.* This section shall become effective at 12:01 a. m., September 1, 1948.

(e) *Expiration date.* This section shall expire at 11:59 p. m., December 10, 1948, unless otherwise modified, changes, suspended, or annulled by order of the Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-7357; Filed, Aug. 16, 1948; 8:57 a. m.]

[S. O. 760, Amdt. 3]

PART 97—ROUTING

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of August A. D. 1948.

Upon further consideration of Service Order No. 760 (12 F. R. 4439), as amended (12 F. R. 5555; 13 F. R. 668) and good cause appearing therefor: *It is ordered,* That:

Section 97.760 *Rerouting,* of Service Order No. 760, be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., January 15, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., August 14, 1948; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-7358; Filed, Aug. 16, 1948; 8:57 a. m.]

Chapter III—Inland Waterways Corporation

PART 600—PURPOSE AND FUNCTIONS

PART 601—ORGANIZATION

MISCELLANEOUS AMENDMENTS

1. Section 600.3 *Operation of barge service* (12 F. R. 5878) is amended by deleting the sentence which reads: "It also owns and operates the Warrior River Terminal Company, an Alabama corporation which is its switching and terminal facility, from Port Birmingham, Alabama, to connecting rail lines at Ensley, Alabama," and substituting therefor the following: "It also owns and operates a railroad switching facility between Port Birmingham, Alabama, and connecting railroads at Ensley, Alabama."

2. Section 601.1 *Organization* (12 F. R. 5879) is amended by deleting the words "which includes the Warrior River Terminal Company" following "The Office of the Vice President"; and by adding at the end of the section: "Purchasing and Claims Department."

3. Section 601.2 *Functions* (12 F. R. 5879) is amended as follows:

a. By amending paragraph (c) to read as follows:

(c) The Vice President directs the operation of a railroad switching facility between Port Birmingham, Alabama, and connecting railroads at Ensley, Alabama.

b. By adding a new paragraph (i) as follows:

(i) The Purchasing and Claims Department is responsible for handling claims, insurance, leases, and purchasing for the Corporation.

(R. S. 161; 5 U. S. C. 22)

[SEAL] SOUTH TRIMBLE, Jr., *Chairman, Advisory Board, Inland Waterways Corporation.*

Approved:

CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 48-7354; Filed, Aug. 16, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9113]

BROADCASTING OF INFORMATION CONCERNING LOTTERIES, GIFT ENTERPRISES OR SIMILAR SCHEMES

NOTICE OF PROPOSED RULE MAKING

In the matter of promulgation of rules governing programs prohibited by section 316 of the Communications Act as broadcasting of information concerning lotteries, gift enterprises or similar schemes.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to issue new rules, set forth below, to be designated as §§ 3.192, 3.292 and 3.692. These rules would set forth with particularity for standard, FM and television broadcasting, certain types of programs which the Commission believes are in violation of section 316 of the Communications Act of 1934, as amended, which prohibits the broadcast of "any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance." The rules are intended to afford broadcast licensees with as specific advance information as is possible as to the various types of programs which the Commission considers are in violation of the section of the act.

3. It should be pointed out that, as specified in the proposed rules themselves, no one rule or set of rules can cover the almost infinite number of varieties of program formats bordering on illegal lotteries or gift enterprises, and the determination as to whether a particular program violates section 316 will necessarily depend on the facts of the particular case. However, it is believed that the proposed rule will be of aid and assistance to licensees in determining whether a given program falls within the type of program specified by the proposed rules as a lottery, gift enterprise or similar scheme.

4. The proposed rules are issued under the authority of sectons 316, 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the manner set forth below, may file with the Commission on or before September 10, 1948 a statement or brief setting forth his comments. At the same time persons favoring the rules as proposed may file statements in support thereof. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Released: August 5, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 3.192 *Programs covered by section 316 of the Communications Act.* (a) Section 316 of the Communications Act of 1934 provides in part that no radio station "shall knowingly permit the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift, enterprise, or scheme, whether said list contains any part or all of such prizes".

(b) The determination as to whether a particular program violates the provisions of section 316 of the Communications Act of 1934 depends on the facts of each case. However, the Commission will in any event consider that a program is in violation of section 316 if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in any manner upon lot of chance, if as a condition of winning such prize:

(1) Such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) Such winner or winners are required to answer the phone or write a letter if the phone conversation or contents of the letter (or the substance thereof) are broadcast by the station.

Sections 3.292 and 3.692 proposed to be issued with respect to FM and Television broadcasting would read exactly the same as § 3.192.

[F. R. Doc. 48-7366; Filed, Aug. 16, 1948; 9:00 a. m.]

[47 CFR, Part 3]

[Docket No. 8747]

ORIGINATION POINT OF PROGRAMS BY STANDARD AND FM BROADCAST STATIONS

ORDER SCHEDULING ORAL ARGUMENT

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 4th day of August 1948:

The Commission having under consideration written comments filed with respect to its notice of proposed rule making of February 20, 1948 (13 F. R. 1129), concerning the origination point of programs by standard and FM broadcast stations; and

It appearing that comments have been received requesting oral argument with respect to the proposal contained in said notice of proposed rule making;

It is ordered, That the Commission will hear said oral argument on October 11, 1948, at 10:00 a. m. in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue, Washington, D. C.

Released: August 5, 1948.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7362; Filed, Aug. 16, 1948; 8:59 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8731-8733, 8841]

BEACON BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Beacon Broadcasting Company, Inc., Boston, Massachusetts, Docket No. 8731, File No. BPH-1320; The Northern Corporation, Boston, Massachusetts, Docket No. 8732, File No. BPH-1372; Boston Radio Company, Inc., Boston, Massachusetts, Docket No. 8733, File No. BPH-1385; Bunker Hill Broadcasting Company, Boston, Massachusetts, Docket No. 8841, File No. BPH-1420; for FM construction permits.

The Commission having under consideration a petition filed August 4, 1948, by Bunker Hill Broadcasting Company, Boston, Massachusetts, requesting a continuance in the hearing presently sched-

uled for August 9, 1948, upon the above-entitled applications for FM facilities in that area;

It is ordered, This 4th day of August, 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7365; Filed, Aug. 16, 1948; 8:59 a. m.]

NEWFOUNDLAND BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Newfoundland broadcast stations, modifying assignments of Newfoundland broadcast stations (Mimeograph #62772) in accordance with the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

NEWFOUNDLAND

Change List No. 6, July 5, 1948

Call letters	Location	Power	Class	Probable date to commence operation
VOHF	Harmon Field, Newfoundland.	1,240 kilocycles (delete—See assignment 1,490 kc).		
VOHF	do	1,490 kilocycles, 50 w	IV	Dec. 16, 1946

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7363; Filed, Aug. 16, 1948; 8:59 a. m.]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Canadian Change List No. 44, July 22, 1948

Call letters	Location	Power	Radiation	Class	Probable date to commence operation
CFOR	Orillia, Ontario	620 kilocycles (delete—1,450 kc assignment remains in effect).			
New	Edmonton, Alberta	680 kilocycles, 5 kw	DA-1	II	Apr. 1, 1949
New	Norman Wells, Northwest Territory.	1,240 kilocycles, 100 w		IV	Do.
New	Roberval, Quebec	1,340 kilocycles, 250 w		IV	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7364; Filed, Aug. 16, 1948; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6154]

INTERSTATE UTILITIES CO.

NOTICE OF ORDER APPROVING SALE OF FACILITIES

AUGUST 12, 1948.

Notice is hereby given that, on August 11, 1948, the Federal Power Commission issued its order entered on August 11, 1948, approving sale of facilities, in the above designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-7353; Filed, Aug. 16, 1948; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-413]

FLOOR WAX PRODUCTS INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 12th day of August 1948.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Floor Wax Products Industry in the Hotel Roosevelt, 45th Street and Madison Avenue, New York, N. Y., on September 9, 1948, commencing at 10 a. m., daylight saving time.

The industry for which the Conference is called is composed of the persons, firms, corporations, or organizations engaged in the business of manufacturing, selling, or distributing wax products for use on any type of floor. All members of such industry are cordially invited to attend or be represented at the Conference.

The Conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-7355; Filed, Aug. 16, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-556]

ASSOCIATED GENERAL UTILITIES CO.

ORDER REVOKING ORDER AND DENYING REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of August 1948.

Associated General Utilities Company ("AGU") having filed an application, pursuant to section 2 (b) of the Public Utility Holding Company Act of 1935, for an order revoking an order of the Commission entered pursuant to section 2 (a) (8) (B) of the act on February 10, 1939, declaring AGU to be a subsidiary company of Associated Gas and Electric Company and Associated Gas and Electric Corporation, both companies being predecessors of General Public Utilities Corporation, a registered holding company; and

A public hearing having been held after appropriate notice and G. P. Snow, a bondholder, having been granted leave to be heard and having filed a memorandum in opposition to the granting of the application and having requested a rehearing in this matter; and

The Commission having considered the record in this matter, and having made and filed its findings and opinion herein:

It is ordered and declared, That Associated General Utilities Company has ceased to be a subsidiary company of Associated Gas and Electric Company and Associated Gas and Electric Corporation and that the said order of the Commission dated February 10, 1939 be, and hereby is revoked.

It is further ordered, That the request of G. P. Snow for a rehearing in this matter be, and hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-7349; Filed, Aug. 16, 1948; 8:47 a. m.]

[File Nos. 54–113, 70–1015, 59–78]

LOUISVILLE GAS AND ELECTRIC CO. (DEL.) AND STANDARD GAS AND ELECTRIC CO.

ORDER REAFFIRMING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of August A. D. 1948.

In the matter of Louisville Gas and Electric Company (Delaware), File No. 54–113; Standard Gas and Electric Company, File No. 70–1015; Louisville Gas and Electric Company (Delaware), Respondent, File No. 59–78.

The Commission having on October 28, 1947, issued its findings and opinion and order approving a second amended plan, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, providing for the liquidation of Louisville Gas and Electric Company (Delaware), a registered holding company;

Application having been made to the District Court of the United States for the District of Delaware to enforce and carry out the terms and provisions of the plan and that Court on March 31, 1948, having issued its opinion and on May 13, 1948, having issued an order remanding the case to the Commission for further study and consideration in the light of the Court's opinion; and

The Commission having heard argument and having considered the matter in the light of the Court's opinion and the contentions presented to the Commission on the remand, and having this day issued its supplemental findings and opinion in which it concluded that the plan was still fair and equitable, on the basis of said supplemental findings and opinion.

It is ordered, That the order of the Commission dated October 28, 1947, approving the plan be, and it is hereby, reaffirmed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–7348; Filed, Aug. 16, 1948; 8:47 a. m.]

[File Nos. 70–1494, 70–1495]

STANDARD GAS AND ELECTRIC CO. AND CALIFORNIA OREGON POWER CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of August 1948.

In the matter of Standard Gas and Electric Company, File No. 70–1494; The California Oregon Power Company, File No. 70–1495.

The Commission having, by order dated May 8, 1947, granted and permitted to become effective applications-declarations, as amended, filed by Standard Gas and Electric Company ("Standard Gas"), a registered holding company, and its then subsidiary, The California Oregon Power Company ("Copco"), pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the rules and regulations promulgated thereunder regarding, among other matters, the sale by Standard Gas of 390,000 shares of Common Stock of Copco, par value $20 per share, and the issuance and sale by Copco of 18,000 shares of its Common Stock, par value $20 per share, both sales to be made pursuant to the competitive bidding requirements of Rule U-50 promulgated under said act; and

Said order providing, among other matters, that jurisdiction be reserved with respect to all the fees and expenses incurred or to be incurred in connection with the proposed transactions; and

The Commission having by memorandum opinion and order, dated June 23, 1947, granted the applications of the applicants-declarants herein for exemption from competitive bidding for said proposed sale of Common Stock of Copco by the applicants-declarants, and having released jurisdiction with respect to certain fees and expenses to be paid in connection with the proposed transactions and having continued its reservation of jurisdiction with respect to the legal fees and expenses payable to A. Louis Flynn and Brobeck, Phleger & Harrison, counsel for the applicants-declarants; and

Additional information having been submitted with respect to such requested fees and expenses, the amounts of which are as follows:

	To be paid by Standard Gas		To be paid by Copco	
	Fees	Expenses	Fees	Expenses
A. Louis Flynn	$16,000	$1,656.85	$3,000	$1,866.35
Brobeck, Phleger & Harrison	7,500	527.95	2,000	1,381.89

It appearing to the Commission, after due consideration, that under the circumstances in this matter, jurisdiction should be released over the legal fees and expenses to be paid to A. Louis Flynn and Brobeck, Phleger & Harrison in connection with the services rendered by them in this matter;

It is ordered, That jurisdiction heretofore reserved in the Commission's orders of May 8, 1947, and June 23, 1947, with respect to the payment of legal fees and expenses to A. Louis Flynn and Brobeck, Phleger & Harrison in this matter be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48–7344; Filed, Aug. 16, 1948; 8:46 a. m.]

[File No. 70–1873]

MISSISSIPPI GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of August A. D. 1948.

Mississippi Gas Company ("Mississippi"), a public utility subsidiary of Southern Natural Gas Company ("Southern"), a registered holding company which in turn is a subsidiary of Federal Water and Gas Corporation ("Federal"), also a registered holding company, has filed a declaration with two amendments thereto pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

Mississippi proposes to issue and sell to the First National Bank of Birmingham, Alabama, $640,000 principal amount of 3% Serial Notes due 1948 to 1956 inclusive. The proceeds from the sale of these notes are to be used in part for the redemption by Mississippi of $240,000 principal amount of outstanding 2% Serial Notes due 1948 to 1956, and the balance thereof for the construction of additional facilities. It is represented that the presently outstanding notes must be retired in connection with the additional financing since the present note agreement does not permit the issuance of additional securities senior to or on a parity with the outstanding notes. It is further represented that no fees, commissions, or other remunerations are to be paid directly or indirectly in connection with the issuance or sale of the proposed notes, except incidental legal fees estimated at $1,500. It is stated in the filing that no state or federal regulatory body, other than this Commission, has jurisdiction over the proposed transactions.

The filing was made with this Commission on June 14, 1948, and the last amendment thereto was filed on July 14, 1948. Notice of this filing was duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to the act, and the Commission has not received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this declaration that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of declarant that this order become effective upon issuance;

It is hereby ordered, Pursuant to Rule U-23, and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that this declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–7345; Filed, Aug. 16, 1948; 8:46 a. m.]

[File No. 70–1884]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 10th day of August 1948.

Southern Indiana Gas and Electric Company ("Southern Indiana"), a public utility subsidiary of The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed an application-declaration, as amended, pursuant to sections 6 (a), 6 (b) and 7 of the Public Utility Holding Company Act of 1935 (the "act") with respect to the following proposed transactions:

Southern Indiana proposes to issue and sell privately to institutional investors for cash at 99.80% of the principal amount plus accrued interest to the date of delivery $1,000,000 principal amount of its First Mortgage Bonds, 3% Series to be dated as of July 1, 1948 and to mature in 1978. The bonds are to be issued under and secured by Southern Indiana's present indenture, dated as of April 1, 1932, as supplemented by indentures dated as of August 31, 1936, and October 1, 1937, and to be dated as of July 1, 1948. The proceeds from the sale of the new Bonds, estimated by the company at $984,525, will be used to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to its property or to reimburse its treasury in part for expenditures made for such purposes.

Southern Indiana also proposes, prior to or concurrently with the issuance and sale of the new Bonds, to increase the stated capital represented by the outstanding common stock of the company from $3,335,644.05 to $4,500,000 by the transfer of $1,164,355.95 from earned surplus to common stock capital account.

The proposed issuance and sale of said bonds by Southern Indiana and the transfer from earned surplus to common stock capital account have been expressly authorized by the Public Service Commission of Indiana, the State commission of the State in which Southern Indiana is organized and doing business.

Said application-declaration having been filed on July 1, 1948, and the amendment thereto having been filed on August 5, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 under said act and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the applicable sections of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7347; Filed, Aug. 16, 1948; 8:47 a. m.]

[File No. 70-1904]

COLUMBIA GAS SYSTEM, INC., AND GETTYSBURG GAS CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of August 1948.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its gas utility subsidiary, Gettysburg Gas Corporation ("Gettysburg"). Declarants have designated sections 12 (b) and 12 (c) of the act and Rules U-42 and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 26, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 26, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Gettysburg has outstanding $112,500 principal amount of 6% First Mortgage Bonds due September 1, 1948, $140,000 principal amount of 6% Income Demand Loans and 780 shares of common stock of a par value of $100 a share. The claim for interest on the 6% Income Demand Loans is cumulative although payable only to the extent earned, and at May 31, 1948, Gettysburg's contingent liability for interest on these loans amounted to $17,350 and its Earned Surplus since September 30, 1946, amounted to $10,769.

Columbia, as owner of all the foregoing securities, proposes to surrender the First Mortgage Bonds and Income Demand Loans to Gettysburg for cancellation; prior thereto Gettysburg will pay interest on the Income Demand Loans to the extent of its Earned Surplus since September 30, 1946 and Columbia will forgive the unpaid balance of such interest. Columbia proposes to increase its investment account in the common stock of Gettysburg by the aggregate principal amount of the First Mortgage Bonds and Income Demand Loans.

The foregoing constitutes the preliminary step in the acquisition by The Manufacturers Light and Heat Company, also a subsidiary of Columbia, of the assets of Gettysburg. The remaining steps contemplate the contribution by Columbia of the common stock of Gettysburg to The Manufacturers Light and Heat Company and the liquidation and dissolution of Gettysburg.

It is requested that the Commission's order permitting the joint declaration to become effective be issued as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7350; Filed, Aug. 16, 1948; 8:47 a. m.]

[File Nos. 70-1910, 70-1920, 68-106]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of August 1948.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration, and its subsidiary, Metropolitan Edison Company ("Met Ed"), has filed a declaration and an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated sections 6 (b), 12 (b), and 12 (e) of the act and Rules U-45, U-50, and U-62 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declarations and said application-declaration which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

GPU proposes to make a cash capital contribution to Met Ed of $1,500,000 which will be used by Met Ed to increase the stated value of its no par value common stock by that amount. Met Ed proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,500,000 principal amount of first mortgage bonds, ____% series, due 1978, and 40,000 shares of ____% $100 par value cumulative preferred stock.

The proceeds of the cash capital contribution to be received by Met Ed plus the proceeds from the issue and sale of its new first mortgage bonds and new preferred stock, estimated to be approximately $9,000,000, will be employed by

Met Ed (1) to repay $550,000 of short-term bank loans outstanding at June 30, 1948, which were necessitated by expenditures for new construction, (2) to make cash capital contributions from time to time during the period ending September 30, 1949, to its subsidiary, Edison Light and Power Company ("Edison"), in the amount of $1,500,000 which will be applied by Edison toward the payment of its obligation to Met Ed for purchased power, toward meeting other deficiencies in Edison's working capital, and against the purchase or construction, subsequent to June 30, 1948, of new facilities of Edison, and (3) to establish special funds of the balance of $6,950,000 to be expended for new construction subsequent to June 30, 1948. Edison will credit the cash capital contribution to be received by it to its capital surplus account.

The certificate of incorporation of Met Ed provides, among other things, that it may not, without the consent of the holders of a majority of the total number of shares of its preferred stock of all series outstanding, issue any additional shares of preferred stock unless the aggregate of the capital of the company applicable to its common stock plus the surplus of the company is not less than the amount payable upon involuntary dissolution to the holders of the preferred stock to be outstanding immediately after the proposed issue of such additional preferred stock. The issue and sale by Met Ed of the 40,000 shares of ____% $100 par value cumulative preferred stock would increase the amount payable upon involuntary dissolution to the holders of the preferred stock to be outstanding immediately after such issuance to an amount greater than the aggregate of the capital of the company applicable to its common stock plus the surplus of the company. Accordingly, the company proposes to solicit its preferred shareholders to obtain their requisite consent to the issue of the 40,000 shares of new preferred stock.

The provisions of the Constitution of the Commonwealth of Pennsylvania provide, in substance, that the stock of a corporation may not be increased without the consent of the holders of the larger amount in value of all the outstanding capital stock of the company. Accordingly, the company proposes to solicit the consent of its existing preferred and common stockholders to the proposed increase in the stated capital applicable to the presently issued and outstanding common stock. Each holder of the company's preferred and common stocks is entitled to one vote per share of stock.

Applicants-declarants state that the issue and sale by Met Ed of its new first mortgage bonds and new preferred stock are subject to the jurisdiction of the Pennsylvania Public Utility Commission and that no commission, other than this Commission, has jurisdiction over the other proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations and said application-declaration and that said declarations and said application-declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission.

It further appearing that the foregoing matters are related, and the evidence offered in respect to each of the matters may have a bearing on the other, and that substantial savings in time, effort, and expense will result if said matters are consolidated:

It is hereby ordered, That said proceedings be, and hereby are, consolidated.

It is further ordered, Pursuant to sections 6 (b), 12 (b), 12 (e) and 18 of the act, that a hearing be held upon said matters, as consolidated, on August 24, 1948, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before August 23, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said declarations and said application-declaration, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed issue and sale by Met Ed of first mortgage bonds and cumulative preferred stock are solely for the purpose of financing its business.

(2) Whether the proposed solicitations of authorizations in connection with the proposed issue and sale of new preferred stock by Met Ed and the increase of the stated capital applicable to the common stock comply with the applicable provisions of section 12 (e) and Rules U-62 and U-65 promulgated thereunder.

(3) The propriety of the proposed accounting treatment of the transactions on the books of GPU and Met-Ed.

(4) Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

(5) What terms and conditions, if any, with respect to the proposed transactions, particularly the issue and sale by Met Ed of first mortgage bonds and preferred stock, shall be prescribed in the public interest or for the protection of the investors or consumers.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-7346; Filed, Aug. 16, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 3369, Amdt.]

FRITZ SINGER ET AL.

In re: Interests of Fritz Singer and the heirs of Neumeyer in patents and in an agreement between Fritz Singer and Aluminum Company of America.

Vesting Order 3369, dated March 29, 1944, as amended, is hereby further amended as follows and not otherwise:

By deleting from subparagraph 3-d thereof, as amended, the word and letter "Schedule A" and substituting therefor the word and letter "Schedule B.".

All other provisions of said Vesting Order 3369, as amended, and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7377; Filed, Aug. 16, 1948; 9:01 a. m.]

[Vesting Order 11733]

GEORGE K. TAKANO

In re: Bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of George K. Takano, deceased, also known as Kikutaro Takano. F-39-16930-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of George K. Takano, deceased, also known as Kikutaro Takano, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Two (2) Nippon Electric Power 6½% Bonds, of $1,000.00 face value each, bearing the numbers 4363 and 6380 and presently in the custody of Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California,

together with any and all rights thereunder and thereto,

b. Seven (7) Imperial Japanese Government 6½% Bonds, of $1,000.00 face value each, bearing the numbers 23011/14, 97605, 67131, and 27211, and presently in the custody of Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, together with any and all rights thereunder and thereto,

c. Two (2) Shinyetsu Electric Power Co. 6½% Bonds, of $1,000.00 face value each, bearing the numbers 1343 and 3993, and presently in the custody of Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, together with any and all rights thereunder and thereto, and

d. Two (2) Great Consolidated Power, Ltd. 7% Bonds, of $1,000.00 face value each, bearing the numbers 5550 and 12382, and presently in the custody of Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of George K. Takano, deceased, also known as Kikutaro Takano, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of George K. Takano, deceased, also known as Kikutaro Takano, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7368; Filed, Aug. 16, 1948; 9:00 a. m.]

[Vesting Order 11762]

RICHARD ANGER

In re: Bank account owned by Richard Anger. F-28-27686-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Anger, whose last known address is Sozialbehoerde, Jehnhalle, Grossalei, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Seamen's Bank for Savings, 74 Wall Street, New York, New York, arising out of a savings account, account number 1,042,908, entitled Jane W. Hille (Deceased) in trust for Richard Anger, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Anger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7369; Filed, Aug. 16, 1948; 9:00 a. m.]

[Vesting Order 11764]

MENDELSSOHN & CO.

In re: Debt owing to Mendelssohn & Co. F-28-408-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mendelssohn & Co., the last known address of which is Jagerstrasse 49, Berlin W. 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mendelssohn & Co., by Federico Stallforth, also known as Frederico Stallforth, Vanderbilt Hotel, 4 Park Avenue, New York, New York, in the amount of $20,347.93, as of December 31, 1938, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7370; Filed, Aug. 16, 1948; 9:00 a. m.]

[Vesting Order 11779]

KATHARINA ECKERT

In re: Debt owing to Katharina Eckert, also known as Katharina Eckert, nee Leith. F-28-28995-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katharina Eckert, also known as Katharina Eckert, nee Leith, whose last known address is Eich, Kreis Worms, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Katharina Eckert, also known as Katharina Eckert, nee Leith, by George E. Flaccus, 1806 Law & Finance Building, Pittsburgh 19, Pennsylvania, in the amount of $430.71, as of May 11, 1948, together with any and all accruals there-

to, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7371; Filed, Aug. 16, 1948; 9:00 a. m.]

[Vesting Order 11783]

NOBUICHI ISHIDA

In re: Bank account owned by Nobuichi Ishida. D-39-4646-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobuichi Ishida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Nobuichi Ishida, by First American National Bank, Port Townsend, Washington, arising out of a savings account, account number 9492, entitled N. Ishida, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7372; Filed, Aug. 16, 1948; 9:00 a. m.]

[Vesting Order 11784]

TAYOJI CHARA

In re: Bank account owned by Tayoji Ohara. D-39-18887-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tayoji Ohara, whose last known address is Kagashima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tayoji Ohara, by California Bank, 625 South Spring Street, Los Angeles 14, California, arising out of a Savings Account, account number 23532, entitled Mr. Tayoji Ohara, maintained at the City Market branch office of the aforesaid bank located at 863 South San Pedro Street, Los Angeles 14, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7373; Filed, Aug. 16, 1948; 9:01 a. m.]

[Vesting Order 11817]

HENRY I. BARBEY

In re: Trusts created under Article twelfth of the will of Henry I. Barbey, deceased. File No. D-27-1889; E. T. sec. 6624.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alexandrine von Saldern, also known as Alix de Saldern, is a citizen of Germany who on or since the effective date of Executive Order 8389, as amended, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Trusts created under Article twelfth of the Will of Henry I. Barbey, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Bank of New York, as Successor Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7375; Filed, Aug. 16, 1948; 9:01 a. m.]